MOORE COUNTY PLANNING BOARD
THURSDAY, January 3, 2019 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd Floor

CALL TO ORDER – 6 PM

INVOCATION – (Member Volunteer)

PLEDGE OF ALLEGIENCE – (Member Volunteer)

MISSION STATEMENT – (Member Volunteer)

I. PUBLIC COMMENT PERIOD *(Procedures are attached)*
Please sign up on the Public Comment Sign In sheet near the door

II. APPROVAL OF CONSENT AGENDA
All items listed below are considered routine and will be enacted by one motion. No separate discussion will be held except by a member of the Planning Board:

A. Approval of Meeting Agenda
B. Approval of Minutes of December 6, 2018
C. Consideration of Abstentions

III. PUBLIC HEARINGS

1. **Conditional Use Permit Request: Home Occupation Level 2 (Farm Equipment Repair Shop) – Theresa Thompson**
John Creech is requesting a Conditional Use Permit for a Farm Equipment Repair Shop located at 419 Ellis Ln, West End, NC, owned by Betty Shaw per Deed Book 553, Page 893.

IV. PLANNING DEPARTMENT REPORTS - Debra Ensminger

V. BOARD COMMENT PERIOD - Chairman Nobles

VII. UPCOMING EVENTS

- Tuesday, January 8, 2019 10:30 AM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- Tuesday, January 22, 2019 5:30 PM Board of Commissioners Meeting to be held at the Historic Courthouse in Carthage
- **Thursday, February 7, 2019 6:00 PM Planning Board Meeting to be held at the Historic Courthouse in Carthage**

VIII ADJOURNMENT

*Special accommodations for individuals with disabilities or impairments will be made upon request to the extent that reasonable notice is **give** to the County.*
Please see attached procedures for the Public Comment Period and public comment during Public Hearing

PUBLIC COMMENT PROCEDURES
MOORE COUNTY PLANNING BOARD

The Moore County Planning Board is committed to allowing members of the public an opportunity to offer comments and suggestions for the efficient and effective administration of government. In addition to public hearings, a special time is set aside for the purpose of receiving such comments and suggestions. All comments and suggestions addressed to the Board during the Public Comment Period shall be subject to the following procedures:

1. *The Public Comment period will be held at the beginning of the Board meeting. The comment period will be limited to a maximum of thirty minutes*

2. *Persons who wish to address the Board during the Public Comment Period will register on a sign-up sheet available on the table outside the entrance door to the Meeting Room indicating contact information and topic. Sign-up sheets will be available beginning 30 minutes before the start of the meeting. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

3. *Each person signed up to speak will have three (3) minutes to make his/her remarks. Each person signed up to speak will only be entitled to the time allotted to each speaker and one additional time period which may be yielded to him/her by another individual who has also signed up to speak on a particular topic.*

4. *Speakers will be acknowledged by the Board Chairperson in the order in which their names appear on the sign up sheet. Speakers will address the Board from the lectern at the front of the room and begin their remarks by stating their name and address.*

5. *Public comment is not intended to require the Board to answer any impromptu questions. Speakers will address all comments to the Board as a whole and not one individual member. Discussions between speakers and members of the audience will not be allowed.*

6. *Speakers will be courteous in their language and presentation. Matters or comments which are harmful, discriminatory or embarrassing to any citizens, official or employee of Moore County shall not be allowed. Speaker must be respectful and courteous in their remarks and must refrain from personal attacks and the use of profanity.*

7. *Only one speaker will be acknowledged at a time. If the time period runs out before all persons who have signed up get to speak, those names will be carried over to the next Public Comment Period.*

8. *Any applause will be held until the end of the Public Comment Period.*

9. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Chairperson.*

10. *Information sheets outlining the process for the public's participation in Board meetings will also be available in the rear of the Meeting Room.*

11. *Action on items brought up during the Public Comment Period will be at the discretion of the Board.*

Adopted on the 4th day of February, 2010 by a _8_ to _1_ vote of the Moore County Planning Board.

MOORE COUNTY PLANNING BOARD
PUBLIC HEARINGS PROCEDURES

The Moore County Planning Board serves the public as well as the Board of Commissioners. During each public hearing a special time has been set aside for the purpose of receiving comments and suggestions. To insure that comments and suggestions are productive and not unnecessarily long, procedural rules for conducting public hearings are necessary. The following procedural rules will be utilized during public hearings of the Moore County Planning Board:

1. *Anyone who would like to address the Board during a public hearing should register on the appropriate sign-up sheet indicating their name and address. Sign-up sheets will be available on the table outside the entrance door to the Meeting Room 30 minutes before the start of the meeting. Information sheets outlining the process for the public's participation in Board meetings and public hearings will also be available. No one will be allowed to have his/her name placed on the list by telephone request to County Staff.*

2. *Each speaker will be called by the Chairman to the lectern, will state their name and address clearly into the record before providing their comments.*

3. *Speakers will address all comments to the Board as a whole and not to any one individual member. Speakers will be respectful, courteous, refrain from personal attacks and the use of profanity.*

4. *Any applause will be held until the end of the public hearing.*

5. *Speakers who have prepared written remarks or supporting documents are encouraged to leave a copy of such remarks and documents with the Secretary.*

6. *Action on items brought up during the public hearing will be at the discretion of the Board.*

Adopted on the 5th day of May, 2011 by a 9 to 0 vote of the Moore County Planning Board

MINUTES
MOORE COUNTY PLANNING BOARD
THURSDAY, December 6, 2018 6:00 PM
MOORE COUNTY HISTORIC COURTHOUSE – 2nd FLOOR

Board Members Present: Eddie Nobles (Chair), Joe Garrison (Vice Chair), Harry Huberth, Bobby Hyman, John Cook, Jeffrey Gilbert

Board Members Absent: David Lambert, John Matthews, Matthew Bradley

Staff Present: Debra Ensminger, Planning Director
Tron Ross, County Attorney
Theresa Thompson, Planning Supervisor
Darya Cowick, Planner
Stephanie Cormack, Administrative Officer

CALL TO ORDER

Chair Eddie Nobles called the meeting to order at 6:00 pm.

INVOCATION

Board Member Joe Garrison offered the invocation.

PLEDGE OF ALLEGIANCE

Board Member Bobby Hyman led in citing of the Pledge of Allegiance.

MISSION STATEMENT

Board Member Jeffrey Gilbert read the Moore County Mission Statement.

PUBLIC COMMENT PERIOD

There was no public comment.

APPROVAL OF THE CONSENT AGENDA

A. Approval of Meeting Agenda
B. Approval of Minutes of November 1, 2018
C. Consideration of Abstentions

Board Member Jeffrey Gilbert made a motion to approve the consent agenda. The motion was seconded by Board Member Harry Huberth and the motion passed unanimously (6-0).

PUBLIC HEARING

Public Hearing #1 - General Use Rezoning Request Rural Agricultural (RA) to Neighborhood Business (B-1)

Planner Darya Cowick presented a request by Stewart McFayden requesting a General Use Rezoning from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Rd. adjacent to the intersection of Lobelia Rd and J Burns Rd. owned by Stewart McFadyen, per Deed Book 2017E Page 712 and recorded in Plat Cabinet 17, Slide 900.

Mrs. Cowick went over the item within the packet pointing out the site is currently undeveloped and adjacent properties include a real estate office, gas station, single family dwellings, and agricultural land. Ms. Cowick also pointed out 1.3 acres of the property is currently already zoned Neighborhood Business (B-1)

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Cook; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning request from Rural Agricultural (RA) to Neighborhood Business (B-1) of the southern portion, being approximately 1.76 acres, of an approximate 3.06 acre parcel, located at 2510 Lobelia Rd. adjacent to the intersection of Lobelia Rd. and J Burns Rd. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

Public Hearing #2 – General Use Rezoning Request Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB)

Planner Darya Cowick presented a request by Jamie Cagle requesting a General Use Rezoning from Gated Community Seven Lakes (GCSL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Rd. West End owned by Jamie Cagle, per Deed Book 1515 Page 210 and Deed Book 2334 Page 318.

Mrs. Cowick went over the item within the packet pointing out a single family dwelling is currently located on the property and adjacent properties include a golf course, landscaping business and single family dwellings.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning form Gated Community Seven Lakes (GC-SL) to Rural Agricultural Urban Service Boundary (RA-USB) of 3 parcels, being approximately 2.084 acres total, located at 549 Lucas Rd. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

Public Hearing #3 – General Use Rezoning Request Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2)

Planning Supervisor Theresa Thompson presented to the board a request made by the Planning staff requesting a General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acres parcel, located at 126 Old West End School Ln, West End, owned by Moore County, per Deed Book 428 Page 480.

Mrs. Thompson went over the item within the packet pointing out a senior center, gum and auditorium are currently located on the property and adjacent properties include three hair salons, electrical contractor shop, construction company, surveyor office, monument company and single family dwellings. In addition to the rezoning process staff will be asking the Board of Commissioners to consider approval of demolition of the buildings located on site as well as going through the property disposition process. Rezoning the property to Highway Commercial and demolition of the buildings will improve marketability of the property.

Board Member Harry Huberth asked for further clarification of the zoning map which appeared the back portion of the property was not within the rezoning request.

Mrs. Thompson explained to the board the portion of question is located in the right of way and the zoning designation does not apply to the right of way.

Board Member Joe Garrison inquired if the purpose of the rezoning request was for Moore County to sale the property.

Mrs. Thompson confirmed that was the purpose.

Board Member Jeffrey Gilbert wanted to clarify that all the buildings would be demolished and if the buildings had a current use.

Mrs. Thompson confirmed none of the buildings were currently in use and the intent is to have the buildings removed from the property.

Chairman Nobles opened the Public Hearing; Pete Mace located at 170 Pine Barrens Vista in Southern Pines has requested to speak regarding the rezoning request. Mr. Mace has requested when considering demolition of the current building he knows members of the public would like to take a piece of history from the building as they may have attended school at that location in the past.

Mrs. Thompson mentioned the recommendation be passed on to the next level for consideration.

With no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Harry Huberth made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Joe Garrison; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Residential and Agricultural-5 (RA-5) to Highway Commercial (B-2) of an approximate 5.844 acre parcel, located at 126 Old West End School Ln, West End. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 6-0.

Public Hearing #4 – General Use Rezoning Request Mobile Home District (R-MH) to Residential and Agriculutral-40 (RA-40)

Planning Supervisor Theresa Thompson presented to the board a request made by Heidi Thompson requesting a General Use Rezoning from Mobile Home District to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Rd. and at 7383 Beulah hill Church Rd., being approximately 1.58 and 1.38 acres, owned by Code Plus Construction per Deed Book 4990, Page 509 and Plat Cabinet 17, Slide 913.

Mrs. Thompson went over the item within the packet noting the property is currently undeveloped, adjacent properties include a manufactured home park, single family dwellings and a church.

Chairman Nobles opened the Public Hearing; Jerry Graham located at 3160 Murdocksville Rd. West End representing Beulah Hill Church has requested to speak regarding the rezoning request. Mr. Graham mentioned he is not against the request and wanted to inform the board that he and the applicant are working towards obtaining an easement to access the cemetery located on the back side of the property.

With no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt one of the attached Moore County Planning Board Land Use Plan Consistency Statements for approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the General Use Rezoning from Mobile Home District (R-MH) to Residential and Agricultural-40 (RA-40) of two parcels located at 7347 Beulah Hill Church Rd. and at 7383 Beulah Hill Church Rd. being approximately 1.58 and 1.38 acres. The motion was seconded by Board Member Harry Huberth; the motion passed unanimously 6-0.

Public Hearing #5 – Unified Development Ordinance Text Amendments

Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Director Debra Ensminger presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 2 (Review Bodies and Administrator), Section 2.2 (Planning Board), Subsection A (Powers and Duties)
- Amend Chapter 12 (Conditional Use Permits), Section 12.2 (Application Process)
- Amend Chapter 12 (Conditional Use Permits), Section 12.3 (Notice of Public Hearings)

Board member Joe Garrison asked if the requested amendments were a common request and if other jurisdictions followed this same process.

Ms. Ensminger explained this was a common process and would allow the Board of Commissioners to make the final decisions going through quasi-judicial process.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

Board Member Joe Garrison made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Bobby Hyman; the motion passed unanimously 6-0.

Public Hearing #6 - Unified Development Ordinance Text Amendments

Moore County staff is requesting amendments to the Moore County Unified Development Ordinance.

Planning Director Debra Ensminger presented to the board the requested amendments as noted within the staff report.

- Amend Chapter 2 (Review Bodies and Administrator), Section 2.1 (Board of Commissioners), Subsection A (Powers and Duties)
- Amend Chapter 2 (Review Bodies and Administrator), Section 2.3 (Subdivision Review Board), Subsection A (Powers and Duties)
- Amend Chapter 6 (Table of Uses), Section 6.1 (Table of Uses)
- Amend Chapter 18 (Subdivisions), Section 18.6 (Major Subdivisions-Preliminary Plat Submittal and Review)
- Amend Chapter 18 (Subdivisions), Section 18.7 (Major Subdivisions-Minimum Design Standards as Shown on Preliminary Plat)
    - Item S (Adequacy of Public School Facilities) language within the staff report will be removed from this text amendment request at the recommendation of the County attorneys.
- Amend Chapter 18 (Subdivisions), Section 18.9 (Option 2-Conventional Subdivision Design Standards)
- Amend Chapter 18 (Subdivisions), Section 18.11 (Final Plat Submittal)

Ms. Ensminger explained to the board the request is to guide growth in areas that will not place a strain on the county resources that are available like water and sewer. The recommended changes will allow all major subdivisions to be placed only in the Rural and Agricultural-40 (RA-40), Rural and Agricultural-20 (RA-20), and Rural and Agricultural-Urban Service Boundary (RA-USB) through a conditional use permit and would go before the Board of Commissioners for review/approval.

Board Chair Nobles asked if this process would prevent future major subdivisions to happen in areas beyond RA-40, RA-20 and RA-USB.

Ms. Ensminger explained future development could go through a rezoning request for those properties adjacent to RA-40, RA-20 and RA-USB zonings areas and then follow the same process as outlined in the Unified Development Ordinance. The intent is not to stop development and growth but to guide development and growth in areas that can support it.

Board Member Jeffrey Gilbert inquired if the county was to continue to grow and extend out to areas beyond allowed what point would septic tanks not be sustainable and what impact would it be on the developer to provide sewer and assume the cost of installation.

Ms. Ensminger explained this would be a big impact on the developer and would prevent development. Currently the county provides water and sewer in some areas, typically only water is provided by the county in areas that do not have sewer available and septic systems are used. This request is to provide guidance to development in areas were current infrastructure is available.

Board Member Harry Huberth commented on the storm water drainage options and recommended stricter rules to be put in place to protect the public.

Mrs. Thompson approached the podium and explained to the board staff has reached out to the Department of Environmental Quality (DEQ) and will present options to the board once further research has been completed regarding drainage requirements.

Board Member Jeffrey Gilbert requested information how the buyer could be protected regarding agriculture land and potential aromas that come along with agricultural uses.

Board Member Harry Huberth explained Moore County has what is called a Voluntary Agricultural District (VAD) and it is the responsibility of the buyer's realtor to inform their client if the property is within this district.

Chairman Nobles opened the Public Hearing, with no further discussion or Public Comment Chairman Nobles closed the public hearing.

Board Member Joe Garrison made a motion to adopt the attached Moore County Planning Board Land Use Plan Consistency Statement approval and authorize its Chairman to execute the document as required by North Carolina General Statute 153A-341. The motion was seconded by Board Member John Cook; the motion passed unanimously 6-0.

Board Member Harry Huberth made a motion to recommend approval to the Moore County Board of Commissioners of the proposed text amendments to the Moore County Unified Development Ordinance. The motion was seconded by Board Member Joe Garrison; the motion passed unanimously 6-0.

PLANNING DEPARTMENT REPORTS

Planning Director Debra Ensminger mentioned there will be one item to go before the Planning Board in January. The items presented at tonight's meeting will go before the Board of Commissioners the second meeting in January.

BOARD COMMENT PERIOD

No Board comments

ADJOURNMENT

With no further comments Board Member Joe Garrison made a motion to adjourn the December 6, 2018 regular meeting. The motion was seconded by Board Member Bobby Hyman and the motion passed unanimously 6-0**.**

Respectfully submitted by,

Stephanie Cormack

Agenda Item: __
Meeting Date: January 3, 2019

MEMORANDUM TO THE PLANNING BOARD

FROM: **Debra Ensminger**
Planning & Transportation Director

DATE: **December 6, 2018**

SUBJECT: **Conditional Use Permit Request: Home Occupation Level 2 (Farm Equipment Repair Shop)**

PRESENTER: **Theresa Thompson**

REQUEST

John Creech is requesting a Conditional Use Permit for a Home Occupation Level 2 - Farm Equipment Repair Shop located at 419 Ellis Ln, West End, NC, owned by Betty Shaw per Deed Book 553, Page 893.

Public notification consisted of publishing a legal notice in the local newspaper for two consecutive weeks, notification by mail to adjacent property owners, and placing public hearing signs on the property.

BACKGROUND

- Current land use – single family residential
- Adjacent land uses – single family residential and undeveloped

REQUIRED FINDINGS

In recommending the Conditional Use Permit the following findings must be met:

1. The use will not materially endanger the public health or safety;
2. The use meets all required conditions and specifications;
3. The use will not substantially injure the value of adjoining property unless the use is a public necessity;
4. The use will be in harmony with the surrounding area and compatible with the surrounding neighborhood; and
5. The use will be in general conformity with the approved Moore County Land Use Plan.

APPLICATION REVIEW COMMENTS

The proposed site plan meets all Unified Development Ordinance requirements.

RECOMMENDATION

Staff recommends the Moore County Planning Board make the following motion:

Motion: Make a motion to recommend approval or denial to the Moore County Board of Commissioners of the Conditional Use Permit for a Home Occupation Level 2 - Farm Equipment Repair Shop located at 419 Ellis Lane in West End.

ATTACHMENTS

- Photos of Property
- Land Use Map
- Conditional Use Permit Application
- Submitted Site Plan
- Deed Book 553, Page 893

View of subject property

View of subject property – approximate location of future Farm Equipment Repair

View of Ellis Ln

Adjacent Property – Pinesage Subdivision

Adjacent property – 411 Ellis Ln

Adjacent property – 315 Ellis Ln

Single family home
Undeveloped
ELLIS
SCALEYBARK
Pinesage Subdivision - Single family homes
Single family home
PINESAGE
Single family home
LAND USE MAP
0
200
400
Feet

App# 24130

County of Moore
Planning and Transportation

"One Team – One Mission"

Inspections/Permitting: (910) 947-2221
Planning: (910) 947-5010
Transportation: (910) 947-3389

Conditional Use Permit Application

Application Date:			
Location/Address of Property: 419 Ellis Lane West End, NC		Parcel-00027842	
Applicant: John Creech		Phone: (910)639-5215	
Applicant Address: P.O Box 4424	City: Pinehurst	St:	Zip: 28374
Owner: Betty Shaw		Phone: 295-5804	
Owner Address:	City:	St:	Zip:
Current Zoning District: RA5	Proposed Use: Tractor Repair		

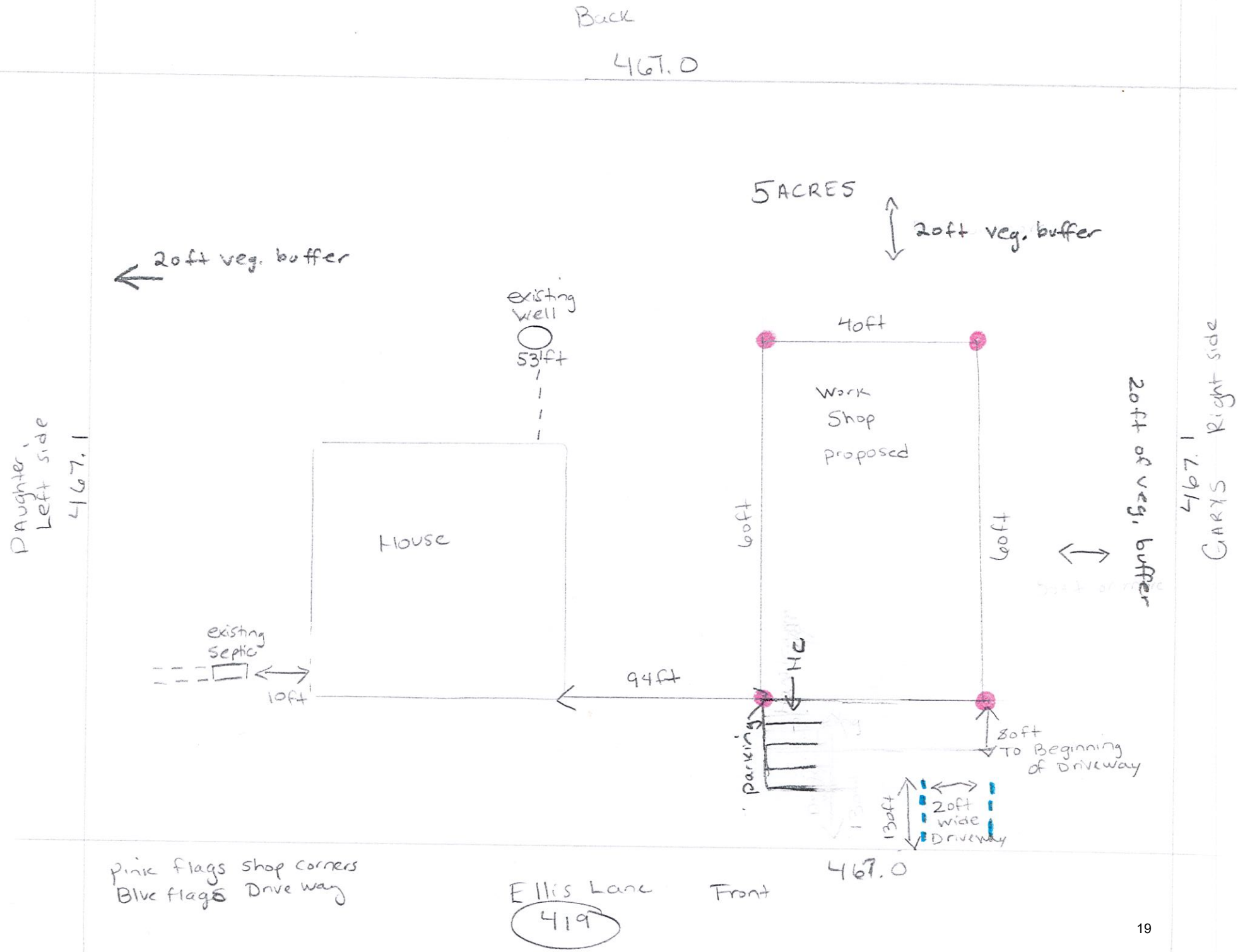
Comments:
Workshop on same property as future home

I (We), the undersigned, certify that all statements furnished in this application are true to the best of my (our) knowledge, and do hereby agree to follow all reasonable requests for information as designated by the County of Moore Zoning Administrator.

Betty Ann Shaw 12/3/18
Applicant/Owner Signature Date

John Creech 12-4-18
Applicant/Owner Signature Date

Office Use Only:
PAR ID: 00027842
Dana Comick 12-4-18
Received By Date


Back
467.0
5 ACRES
20ft veg. buffer
20ft veg. buffer
existing well
53ft
40ft
Work Shop proposed
House
60ft
60ft
20ft of veg. buffer
Daughter, Left side
467.1
467.1
Garys Right side
existing Septic
10ft
94ft
Hc
parking
80ft To Beginning of Driveway
13ft
20ft wide Driveway
467.0
pink flags shop corners
Blue flags Drive way
Ellis Lane
419
Front

Mail To:

This instrument was prepared by: L. Pendleton Hayes

BOOK 553 PAGE 893

WARRANTY DEED Form WD-602

Printed and for sale by James Williams & Co., Inc., Yadkinville, N. C. 27055

STATE OF NORTH CAROLINA, Moore County. BOOK 553 PAGE 893

FILED

THIS DEED, Made this 2nd day of December, 19 86, by and between

Tex J. Frye, Widow

DEC 2 11 02 AM '86

of Moore County

and State of North Carolina, hereinafter called GRANTOR, and Betty Ann Shaw and Tine C. Shaw,

Wife and Husband P.O. Box 163, Pinehurst, NC 28374

of Moore County and State of North Carolina, hereinafter called GRANTEE.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars and other good and valuable considerations to him in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has given, granted, bargained, sold and conveyed, and by these presents does give, grant, bargain, sell, convey and confirm unto the Grantee, his heirs and/or successors and assigns, premises in Mineral Springs Township Moore County, North Carolina, described as follows:

$6.50 fee
5.00 stamps
$11.50 pd

Edmond.

A certain tract or parcel of land in Mineral Springs Township, Moore County, near Pinehurst, North Carolina lying about 1300 yards North of N.C. Highway No. 211 about 2 miles West of the Town of Pinehurst, bounded on the East by the lands of Robert Shaw, on the South and West by Grantor and on the North by a 15.00 acre tract, described as follows;

Beginning at an iron stake in the common line of Mrs. Tex Frye and Robert Fry, said iron stake being the Southeast corner of a 15.00 acre tract deeded by Mrs. Tex Frye to Gary Webb, said iron stake being located S 16-07'W 291.49 feet from the Southeast corner of a 5.00 acre tract deeded to Eugene Ussery, said beginning corner further located as being on the East side of a soil road and in the East line of a 30 foot wide access easement; running thence from the beginning, crossing the 30 foot wide access easement as the South line of the 15.00 acre tract N 70-41'W 467.1 feet to an iron stake in the South line of the 15.00 acre tract; thence as a new line S 16-07'W 467.0 feet to an iron stake; thence S 70-41'E 467.1 feet, recrossing the 30 foot wide access easement to an iron stake in the common line of Mrs. Tex Frye and Robert Fry, in the East line of the 30 foot wide access easement; thence as the common line of Mrs. Tex Frye and Robert Fry N 16-07'E 467.0 feet to the beginning, containing 5.00 acres more or less and being a portion of the Ellis and Tex Frye 118.25 acre tract recorded in Deed Book 315 at Page 211 in the Office of Register of Deeds for Moore County, North Carolina.

Also conveyed:

The above described premises are subject to and entitled to the use of a 30 foot wide access easement for the purposes of ingress and egress leading to N.C. Highway No. 211, the East line of said 30 foot wide access easement being the second line of the Ellis and Tex Frye 118.25 acre tract and is described as beginning at the second corner of the 118.25 acres tract in the center of the pavement of N.C. No. 211 and running thence N 16-07'E 39.7 feet to an iron stake; thence continuing N 16-07'E 4621.37 feet to an iron stake, a Northeast corner of the Eugene Ussery Tract.

(Continued on Reverse Side)

(Continued From Reverse Side)

BOOK 553 PAGE 894

The above land was conveyed to Grantor by _____. See Book No. 315, Page 212.

TO HAVE AND TO HOLD The above described premises, with all the appurtenances thereunto belonging, or in any wise appertaining, unto the Grantee, his heirs and/or successors and assigns forever.

And the Grantor covenants that he is seized of said premises in fee, and has the right to convey the same in fee simple; that said premises are free from encumbrances (with the exceptions above stated, if any); and that he will warrant and defend the said title to the same against the lawful claims of all persons whomsoever.

When reference is made to the Grantor or Grantee, the singular shall include the plural and the masculine shall include the feminine or the neuter.

IN WITNESS WHEREOF, The Grantor has hereunto set his hand and seal, the day and year first above written.

Tex J. Frye (SEAL) _____ (SEAL)
Tex J. Frye, Widow (SEAL) _____ (SEAL)
_____ (SEAL) _____ (SEAL)
_____ (SEAL) _____ (SEAL)
_____ (SEAL) _____ (SEAL)

STATE OF NORTH CAROLINA, Moore COUNTY.

I, L. Pendleton Hayes, a Notary Public of said County, do hereby certify that Tex J. Frye, Widow

Grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal, this the 2nd day of December, 19 86.

My Commission Expires: 8-2-89 L. Pendleton Hayes, N. P. [SEAL]

L. PENDLETON HAYES NOTARY PUBLIC MOORE COUNTY, N. C.

STATE OF NORTH CAROLINA _____ COUNTY.

I, _____, a Notary Public of said County, do hereby certify that _____

Grantor, personally appeared before me this day and acknowledged the execution of the foregoing deed.

Witness my hand and notarial seal, this the _____ day of _____, 19____.

My Commission Expires: _____, N. P. [SEAL]

STATE OF NORTH CAROLINA, Moore COUNTY.

The foregoing certificate(s) of L. Pendleton Hayes Notary Public of Moore County, N. C. is (are) certified to be correct. This instrument was presented for registration this 2nd. day of December, 19 86, at _____ A. M., P. M., and duly recorded in the office of the Register of Deeds of Moore County, North Carolina, in Book _____ Page _____

This the 2nd. day of December, A. D., 19 86.

Judith M. Adams
Register of Deeds

By Mary R. Philips
Assistant, Deputy Register of Deeds

Warranty Deed

TO

Consideration - - - - $

Dated ..... day of ..... 19.....