

FILED in Washington County, NC on
Sep 01 2004 @ 10:25:59 AM
By: Elaine G. Vann
Register of Deeds

North Carolina
Washington County

SECOND AMENDED COVENANTS

Know all Men by these presents that Thomas J. Harrison and wife, Rexanne A. Harrison, are owners of a tract of land in Lee's Mill Township, Washington County, North Carolina, known as Mackey's Ferry Landing Subdivision as shown on a plat recorded in Plat Cabinet 2 Slide 7-A and now Plat Cabinet 3 Slide 5C Washington County Public Registry, which references are made for a more perfect description of said land which the above Declarant has subdivided into lots for sale and made subject to the following covenants, restrictions and reservations, to wit;

1. All lots in this declaration are to be used for residential purposes only. No structures or buildings shall be erected or placed on said property or permitted to remain on any lot other than one single family dwelling and garage.

2. Garages or car shelters may be connected to or built as a part of the one family dwelling and such garage or car shelter must conform in appearance to the residence on said lot.

3. Any dwelling placed upon Lots Numbers 10, 11, 12, 13, and 22 in this subdivision must have a minimum of 1800 square feet of living space in said dwelling. Such living space shall be defined as heated areas in such structure and exclusive of open air porches, stoops, and garages. The side of the house that faces the street shall be considered the front of any dwelling placed on a lot in this subdivision.

a. All construction materials must be new and all exterior walls shall be of brick, weather boarding or some other surface approved by the Building Control Committee as hereafter defined.

b. All dwellings must have private inside bathroom facilities and the plumbing must comply with the requirements of the Health Department of the State of North Carolina and also Washington County.

c. No dwelling or garage shall be located within fifty feet of the street or one hundred feet of the Albemarle Sound. No building or garage shall be located nearer than fifteen feet to any adjoining property line. For purposes of this declaration eaves, chimneys, steps, open porches, and similar projections from the building shall be considered to be part of the building.

d. Before any building or garage (including the square footage of any garage or unheated space) is placed, erected or altered on any lot in this subdivision, the same must be approved in writing by the Building Committee as hereinafter set forth and must comply with the above provisions.

e. In the event of ownership of two adjoining lots by one owner, the interior sideline shall not be subject to sideline provision. The Building Committee shall consist of three persons named by the owners of above lots. In the event of death or for any reason any member is unable to serve, then the remaining members may replace such member.

4. Any person desiring to build a dock must secure approval of the Building Committee in addition to complying with any other regulations of Washington County, the State of North Carolina and the United States Government. No dock shall be constructed that exceeds 100 feet in length. There shall be no construction of a roof over any dock and there shall be no construction of boathouses .

5. No more than thirty percent of any lot shall be covered by structures and or paved surfaces, including walkways or patios of brick, stone, slate or similar materials (also subject to stormwater management permit). This covenant is intended to insure continued compliance with stormwater runoff rules adopted by the State of North Carolina and incorporated herein. This covenant as well as all covenants herein are to run with the land and shall be binding on all parties and all persons claiming under them.

6. The owners hereby reserves for themselves their heirs and assigns an easement for the installation and maintenance of public utilities or drainage facilities within twenty feet of the road and where necessary to extend pole lines, wires or cables across other portions of the lots so long as it does not interfere with buildings on said lot.

7. Owners have agreed with the State of North Carolina that it will not do or allow any successor owner or occupant to violate any term of their stormwater permit and the same is attached hereto in its entirety for clarity. All conveyances are expressly made subject to such terms and conditions therein and by acceptance of a deed of conveyance from owner, such new owner accepts each and every term therein as the same applies to their particular lot.

8. No business, trade or commercial enterprise shall be conducted on any of the lands described in this subdivision and no animals, fowls, poultry or birds shall be allowed to remain on any property described herein except ordinary household pets.

9. All lot owners shall keep and maintain their property in good order so as to prevent the accumulation of rubbish, debris, or high grass and weeds and further owner shall maintain and

keep in good repair any existing bulkhead and pier connected – or normally connected-to said property.

10. Any building or garage that may be damaged or destroyed for any reason must be rebuilt to a same or similar condition. Provided, however, such requirement may be waived by the Building Committee or if it is totally destroyed, such building or garage shall be removed within a reasonable time. Any removal shall be complete, returning said premises to same or similar condition prior to placing such destroyed structure on premises.

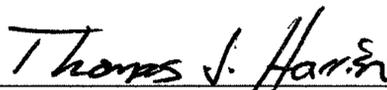
11. No trailer, tent, shack, garage, barn, outbuilding or other structure of a temporary character shall be used for a residence on any lot either temporarily or permanently.

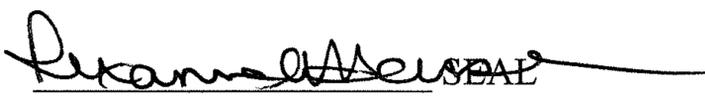
12. These covenants shall run with the land and shall be binding on all parties claiming under them for a period of twenty years and shall be extended for successive periods of ten years unless prior to the expiration of any ten year period the said covenants may be modified or changed by agreement of at least fifty one percent of the persons owning lots in said subdivision with each lot as shown being entitled to one vote.

13. Invalidation of any one of these covenants by judgment, judicial decree or court order or otherwise, shall not affect in any manner or particular any of the other provisions contained in this Declaration and the remaining provisions shall thereafter be and remain in full force and effect.

14. Any present or future landowner may enforce any covenant herein by acceptance of ownership of any lots subject to these covenants. . Should any litigation be necessary to enforce any covenant herein, any present or future landowner agree to pay a reasonable attorney fee and all costs to any lot owner present or future that may prevail in litigation over any violation of these covenants.

IN TESTIMONY WHEREOF Thomas J. Harrison and wife, Rexanne Harrison have hereunto placed their hands and seal. This the 31st day of August, 2004.

 SEAL
Thomas J. Harrison

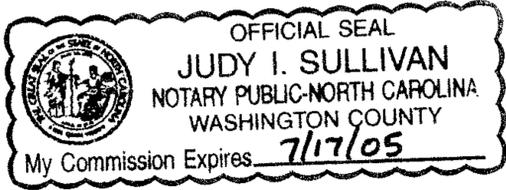
 SEAL
Rexanne A. Harrison

North Carolina
Washington County

I a Notary Public of the foregoing County and State certify that Thomas J. Harrison and wife, Rexanne A. Harrison personally appeared before me and stated that they executed the foregoing instrument for the purposes stated therein. This the 31st day of August, 2004

Com/Exp

Judy I. Sullivan SEAL
Notary Public



NORTH CAROLINA, WASHINGTON COUNTY

The foregoing certificate(s) of/

Judy I. Sullivan

Notary(ies) Public, is (are) certified to
be correct. This the 1 day of ✓

September, 2004.

Elaine G. Vero

Register of Deeds

BY: Jinbe C. Allipood, Asst

STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WATER QUALITY

STATE STORMWATER MANAGEMENT PERMIT

LOW DENSITY DEVELOPMENT

In accordance with the provisions of Article 21 of Chapter 143, General Statutes of North Carolina as amended, and other applicable Laws, Rules and Regulations

PERMISSION IS HEREBY GRANTED TO

Mr. Thomas J. Harrison

Washington County

FOR THE

construction, operation and maintenance of stormwater management systems in compliance with the provisions of 15A NCAC 2H.1000 (hereafter referred to as the "stormwater rules") and the approved stormwater management plans and specifications, and other supporting data as attached and on file with and approved by the Division of Water Quality and considered a part of this permit for grassed swales to serve the Mackeys Landing Project located off Mariners Drive near Roper, NC.

This permit shall be effective from the date of issuance until rescinded and shall be subject to the following specific conditions and limitations:

I. DESIGN STANDARDS

1. The following criteria are approved as meeting the stormwater rules for this project:
 - a. Total site area is 5.17 acres.
 - b. Total impervious area proposed 1.22 acres.
 - c. Total number of single family lots is 5.
 - d. Allowable built-upon area must be consistent with proposed restrictions submitted in the application by the permittee.

2. The overall tract built-upon area percentage or lot sizes for the project must be maintained at levels at least as stringent as the low density levels specified in the stormwater rules.
3. The development must demonstrate that no areas within the project site are of such high density that stormwater runoff threatens water quality.
4. Approved plans and specifications for projects covered by this permit are incorporated by reference and are enforceable parts of the permit.
5. The only runoff conveyance systems allowed will be vegetated conveyances such as swales with minimum side slopes of 3:1 (H:V) or curb outlet systems as defined in the stormwater rules and approved by the Division.
6. No piping shall be allowed except:
 - a. That minimum amount necessary to direct runoff beneath an impervious surface such as a road
 - b. That minimum amount needed for driveway access to lots.
7. Projects covered by this permit will maintain a minimum 30 foot wide vegetative buffer between all impervious areas and surface waters. In addition, projects in the Neuse and Tar-Pamlico River Basins must comply with the Riparian Buffer Rules.
8. No homeowner/lot owner/developer shall be allowed to fill in, alter, or pipe any vegetative practices (such as swales) shown on the approved plans as part of the stormwater management system without submitting a revision to the permit and receiving approval from the Division.
9. Deed restrictions are incorporated into this permit by reference and must be recorded with the Office of Register of Deeds. A copy of the recorded restrictions must be received by this Office within 30 days of the date of recording. Recorded deed restrictions must include, as a minimum, the following statements related to stormwater management:
 - a. A statement of the allowable built-upon area per lot in the following form: "The allowable built-upon area shall not exceed the square feet in the attached table, inclusive of that portion of the right-of-way between the front lot line and the edge of the pavement, structures, pavement, walkways of brick, stone, slate, not including wood decking."

BOOK 421 PAGE 743
MACKEY'S PROJECT

RECEIVED

AUG - 5 2004

DWQ-WARO

	GROSS	WETLANDS	NET	30%
LOT 10	30,058.99		30,058.99	9,017.70
LOT 11	31,326.56		31,326.56	9,397.97
LOT 12	33,046.71		33,046.71	9,914.01
LOT 13	37,690.63	2,178.00	35,512.63	10,653.79
LOT 22	92,287.82	45,738.00	46,549.82	13,964.95
<u>Totals (5)</u>	<u>224,412</u>	<u>47,916</u>	<u>176,496</u>	<u>52,949</u>
	(5.15 ac.)	(1.1 ac.)	(4.05 ac.)	(1.22 ac.)

- b. Items related to stormwater management must remain in the deed restriction, and this is to be indicated by including the following: "The covenants pertaining to stormwater regulations may not be changed or deleted without concurrence of the State."
 - c. To assure that vegetated conveyances are not piped (in accordance with item 5) deed restrictions must indicate that: "Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is strictly prohibited by any persons."
10. The Engineer/Owner/Developer/Permittee must certify in writing that the project's stormwater controls, and impervious surfaces have been constructed within substantial intent of the approved plans and specifications.
11. The following items will require a modification to the permit:
- a. Any revision to the approved plans, regardless of size
 - b. Project name change
 - c. Change of ownership
 - d. Redesign or addition to the approved amount of built-upon area
 - e. Further subdivision of the project area.

In addition, the Director may determine that other revisions to the project should require a modification to the permit.

12. The Director may notify the permittee when the permitted site does not meet one or more of the minimum requirements of the permit. Within the time frame specified in the notice, the permittee shall submit a written time schedule to the Director for modifying the site to meet minimum requirements. The permittee shall provide copies of revised plans and certification in writing to the Director that the changes have been made.

II. SCHEDULE OF COMPLIANCE

1. The permittee shall comply with the following schedule for construction and maintenance of the Low Density Option stormwater systems: