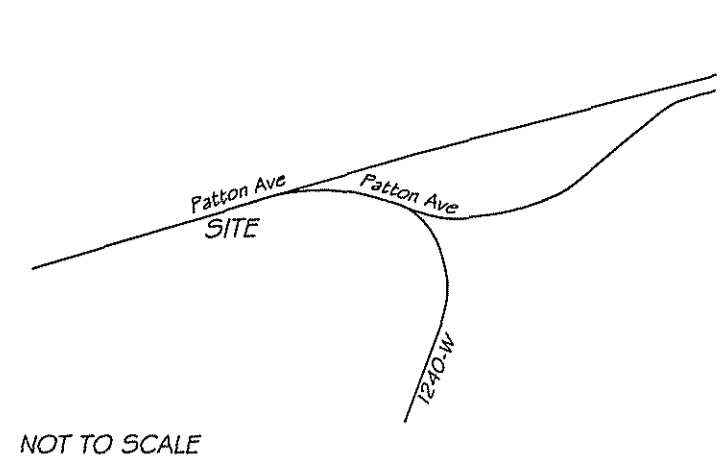


State of North Carolina, County of Buncombe
filed for registration on the 31st day of June, 2017
at 11:19 o'clock A.M. and recorded in
slide 176/113 in the office of the
Register of Deeds of Buncombe County.
By: Drew Perkins, Deputy

State of North Carolina
County of Buncombe
I, Mike Wheeler, Review Officer of Buncombe County,
certify that the map or plat to which this certification is affixed
meets all statutory requirements for recording.
Date: 6/27/17

Mike Wheeler, Urban Planner for the City of Asheville, certify that this plat
plan has been reviewed and approved by the City
of Asheville, NC Development Services Department
on this the 27th day of June, 2017,
provided the plat is registered in the Office of the
Register of Deeds of Buncombe County, NC within
30 days of the date of this approval.



Vicinity Map



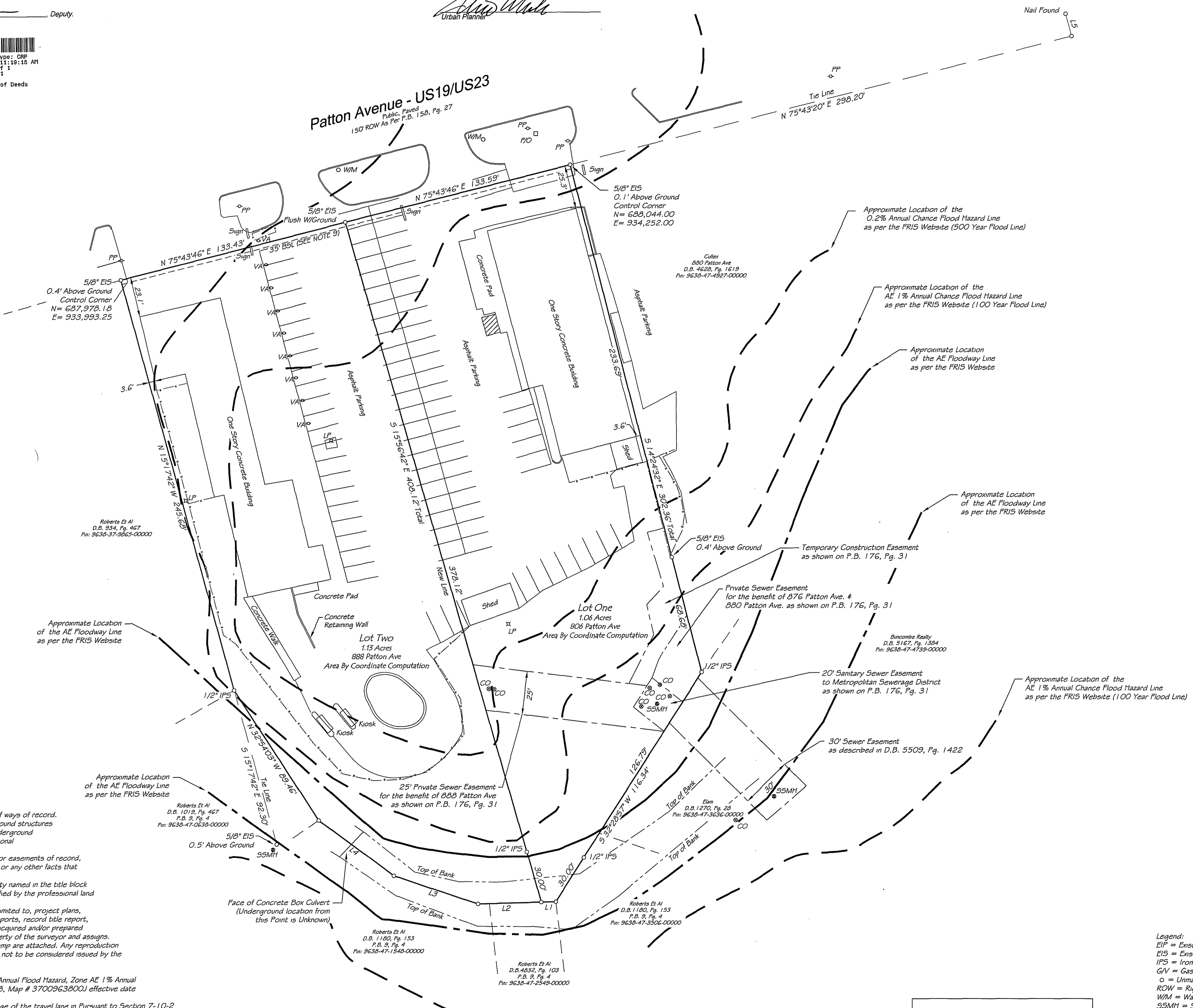
I, Cameron S. Baker, certify that this plat
was drawn under my supervision from an actual survey under
my supervision, (detailed description recorded in book 4628,
page 1818), that the ratio of precision as calculated by
latitudes and departures does not exceed 1:10,000 and that
this map was prepared in accordance with G.S. 47-30 as amended.
Witness my hand and seal this 6th day of June, 2017.

I, Cameron S. Baker,
Professional Land Surveyor, certify that this survey
creates a subdivision of land within the jurisdiction
of the City of Asheville, which has an ordinance
that regulates parcels of land.

Global Positioning System Certification (RTK)
The Positional Accuracy Of The RTK Derived Positional
Information Is 0.03' Horizontal & 0.03' Vertical
Horizontal Positional Are Referenced to NAD 83 (NSRS 2011)
Vertical Positions Are Referenced To NAVD 83 (Geoid 12)
Combined Factor 0.9987746 (Ground To Grid)
Equipment Used: Carlson Supervisor + GPS Tablet

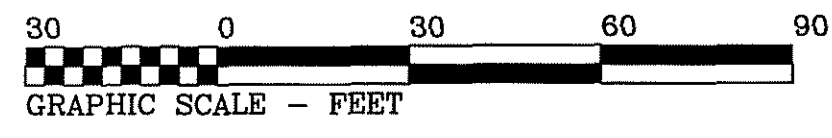
L1 - L4 Calls With Centerline of Creek
L5 is a Tie Line

Course	Bearing	Distance
L1	S 88°24'24" W	8.38'
L2	S 88°24'24" W	36.44'
L3	N 71°21'52" W	51.11'
L4	N 53°21'00" W	53.81'
L5	N 14°35'05" W	13.21'



Building Setbacks as per the City of Asheville HB Zoning:
Front- 35' (See Note 9)
Side- 0'
Rear- 10'
Stream Buffer- 30' (See Note 10)
Landscape Buffer- 30'

- Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
 2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buried utilities/structures may be encountered.
 3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
 4. The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
 5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
 6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
 7. Property is currently zoned HB by the City of Asheville.
 8. Property is located in Zone X (Minimal Flood Hazard, 0.2% Annual Flood Hazard, Zone AE 1% Annual Flood Hazard & Zone AE Floodway as per FRIS Map Panel 963B, Map # 3700963800) effective date 1/6/2010.
 9. Front Building Setback Line is measured from the leading edge of the travel lane in Pursuant to Section 7-10-2 of the Unified Development Ordinance (UDO), since the Right-of-Way is greater than 45 feet.
 10. The Property is encumbered with an Aquatic Buffer, (measured 30 feet from the top of bank along both sides of the stream) Pursuant to Section 7-12-2(e)(2) of the UDO no disturbance can occur within this buffer.



Owner / Developer Contact Information
Patrick M. Cullen
136 Cowper Street
Palo Alto, CA 94301
(415) 218-1536

- Legend:
- EIP = Existing Iron Pipe
 - EIS = Existing Iron Stake
 - IPS = Iron Pin Set
 - G/V = Gas Valve
 - o = Unmarked Point, Unless Otherwise Noted
 - ROW = Right Of Way
 - WM = Water Meter
 - SSMH = Sanitary Sewer Manhole
 - CB = Catch Basin
 - BSL = Building Setback Line
 - T/PED = Telephone Pedestal
 - oVA = Vacuum Units
 - LP = Light Pole
 - PP = Power Pole
 - FO = Fiber Optic Pedestal
 - CO = Cleanout
 - - - = Fence Line

Being all of that property
as described in D.B. 4628, Pg. 1619
Map of Minor Subdivision For:
Patrick M. Cullen
- Owner -
P.B. 176, Pg. 31
Revised Survey: 6/05/2017: Added City of Asheville
Review Comments
Pin: 9638-47-1862-00000

Asheville Township | Buncombe County, NC
ASSOCIATED LAND SURVEYORS & PLANNERS P.C.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774
SCALE: 1 Inch = 30 Feet DATE: May 23, 2017
JOB NO: S-17-092 DRAWN BY: ASH CAG 70

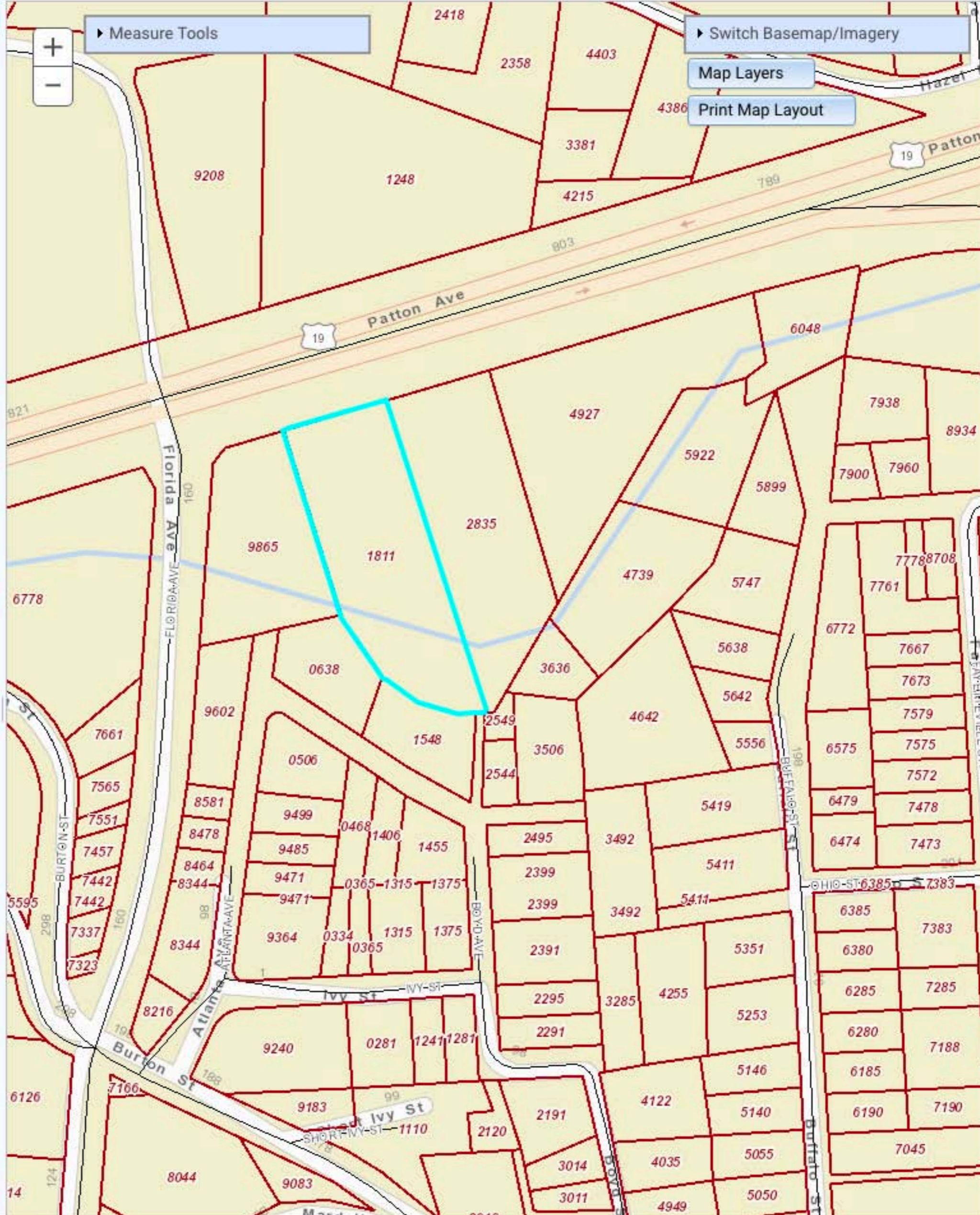
Search By Deed or Plat

Map navigation icons: Home, Hand, Zoom In, Zoom Out, Previous View, Next View, Refresh, Measure, Info, Layers, XY, Close, Sales Report, Buffer, Export Map, Export to Google Map

Search Results

Export to Excel Print Results

PropCard: PROPERTY CARD
 DEEDBOOK/DEEDPAGE: 4628/1619
 PLATBOOK/PLATPAGE: 0176/0113
 Sales Report: Sales Report
 PINNUM: 963847181100000
 OWNER: CULLEN PATRICK M
 CONDOUNIT:
 CONDOBUILDING:
 SUBNAME:
 SUBLOT: 2
 SUBBLOCK:
 SUBSECT:
 HOUSENUMBER: 888
 NUMBERSUFFIX:
 DIRECTION:
 STREETNAME: PATTON
 STREETTYPE: AVE
 TOWNSHIP: 06
 ACREAGE: 1.13
 DEEDDATE: 20081205
 COUNTY: BUN
 CITY: CAS
 FIREDISTRICT:
 SCHOOLDISTRICT:
 CAREOF:
 ADDRESS: 136 COWPER ST
 CITYNAME: PALO ALTO
 STATE: CA
 ZIPCODE: 94301
 CLASS: 434
 TOTALMARKETVALUE: 0
 APPRAISEDVALUE: 0
 TAXVALUE: 1093500
 LANDUSE:
 NEIGHBORHOODCODE: PTFB
 LANDVALUE: 0
 BUILDINGVALUE: 0



Measure Tools

Switch Basemap/Imagery

Map Layers

Print Map Layout

This Parcel Is Inactive

The parcel ID you are viewing is an inactive parcel. It was replaced with the following. Choose from the list to transfer to that parcel.

Parcel ID	Owner Names	Acres	Status
9638-47-2835-00000	PATRICK M CULLEN	1.06	Active
9638-47-1811-00000	PATRICK M CULLEN	1.13	Active

Parcel Information: 9638-47-1862-00000

Property Location	Status	Appraisal Area / Appraiser	Acres		
888 PATTON AVE	Inactive	1 - Jessica Erwin - (828) 250-4956	2.33		
Deed Book/Page	Deed Date	Legal Reference	Plat Book/Page		
4628 / 1619	12/5/2008	SPECIAL WARRANTY DEED	0000 / 0000		
Class	Neighborhood	Mortgage Company			
AUTO C/WASH	PATTON AVENUE FRONT				
County	City	Fire	School	Township	Authority
Buncombe County	ASHEVILLE				

Owner Information

Last Name	First Name	Third Name	Suffix Name	Address	City / State / Zip
CULLEN	PATRICK	M		136 COWPER ST	PALO ALTO CA 94301-0000

Ownership History

Transfer Date	Price	Legal Reference	Deed Book/Page	Seller Names
12/05/08	\$0	SPECIAL WARRANTY DEED	4628 / 1619	FAITH E CULLEN THE LIVING TRUST OF

Approved Values as of 9/12/2017

Land +	Building +	Improvements -	Deferment -	Exemptions =	Total
0	0	0	0	0	0

Assessment History

Tax Year	Owners	Acres	Land Value	Building Value	Improvement Value	Exempt Value	Taxable Value
2017	PATRICK CULLEN M	2.33	1,405,700	301,000	4,300	0	1,711,000
2016	PATRICK CULLEN M	2.33	1,472,500	406,300	5,100	0	1,883,900
2015	PATRICK CULLEN M	2.33	1,472,500	406,300	5,100	0	1,883,900
2014	PATRICK CULLEN M	2.33	1,472,500	406,000	5,100	0	1,883,600
2013	PATRICK CULLEN M	2.33	1,472,500	406,000	5,100	0	1,883,600
2012	PATRICK CULLEN M	2.33	935,400	701,100	16,100	0	1,652,600
2011	PATRICK CULLEN M	2.33	935,400	701,100	16,100	0	1,652,600
2010	PATRICK CULLEN M	2.33	935,400	701,100	16,100	0	1,652,600
2009	PATRICK CULLEN M	2.33	935,300	701,100	16,100	0	1,652,500
2008	FAITH E CULLEN THE LIVING TRUST OF	2.33	935,300	701,100	16,100	0	1,652,500
2007	FAITH E CULLEN THE LIVING TRUST OF	2.33	935,300	701,100	16,100	0	1,652,500
2006	FAITH E CULLEN THE LIVING TRUST OF	2.33	935,300	701,100	16,100	0	1,652,500
2005	FAITH E CULLEN THE LIVING	2.33	640,800	539,600	1,600	0	1,182,000

	TRUST OF						
2004	FAITH E CULLEN THE LIVING TRUST OF	2.33	640,800	539,600	1,600	0	1,182,000
2003	FAITH E CULLEN THE LIVING TRUST OF	2.33	640,800	539,600	1,600	0	1,182,000
2002	FAITH E CULLEN THE LIVING TRUST OF	2.33	640,800	539,600	1,600	0	1,182,000
2001	FAITH E CULLEN THE LIVING TRUST OF	2.33	445,400	470,200	1,600	0	917,200

Bills

Bill	Owner Names	Value	Due
0000768231-2017-2017-0000-00	CULLEN PATRICK M	1,711,000	\$16,560.77
0000768231-2016-2016-0000-00	CULLEN PATRICK M	1,883,900	\$0.00
0000768231-2015-2015-0000-00	CULLEN PATRICK M	1,883,900	\$0.00
0000768231-2014-2014-0000-00	CULLEN PATRICK M	1,883,600	\$0.00
0000555329-2013-2013-0000-00	CULLEN PATRICK M	1,883,600	\$0.00
0000390481-2012-2012-0000-00	CULLEN PATRICK M	1,652,600	\$0.00
0000634150-2011-2011-0000-00	CULLEN PATRICK M	1,652,600	\$0.00

Parcel Information: 9638-47-1811-00000

Property Location	Status	Appraisal Area / Appraiser			Acres
888 PATTON AVE	Active	1 - Jessica Erwin - (828) 250-4956			1.13
Deed Book/Page	Deed Date	Legal Reference		Plat Book/Page	
4628 / 1619	12/5/2008	PLAT		0176 / 0113	
Class	Neighborhood			Mortgage Company	
AUTO C/WASH	PATTON AVENUE FRONT				
County	City	Fire	School	Township	Authority
Buncombe County	ASHEVILLE				

Owner Information

Last Name	First Name	Third Name	Suffix Name	Address	City / State / Zip
CULLEN	PATRICK	M		136 COWPER ST	PALO ALTO CA 94301-0000

Ownership History

No Owner History

Approved Values as of 9/12/2017

Land +	Building +	Improvements -	Deferment -	Exemptions =	Total
0	0	0	0	0	0

Assessment History

No Assessment History

Bills

Bill	Owner Names	Value	Due
0000768231-2017-2017-0000-00	CULLEN PATRICK M	1,711,000	\$16,560.77
0000768231-2016-2016-0000-00	CULLEN PATRICK M	1,883,900	\$0.00
0000768231-2015-2015-0000-00	CULLEN PATRICK M	1,883,900	\$0.00
0000768231-2014-2014-0000-00	CULLEN PATRICK M	1,883,600	\$0.00
0000555329-2013-2013-0000-00	CULLEN PATRICK M	1,883,600	\$0.00
0000390481-2012-2012-0000-00	CULLEN PATRICK M	1,652,600	\$0.00
0000634150-2011-2011-0000-00	CULLEN PATRICK M	1,652,600	\$0.00

PARCEL ID.....: 9638-47-1862-00000 ACCOUNT #: 008234108
 PREVIOUS PARCEL ID.: 963806470798000 OWNER NAME: PATRICK M CULLEN
 PARCEL STATUS.....: A ACTIVE P BLDG PERMIT
 SR/CITY/WARD/TSHP...: /AVL /06 /ASHEVILLE 06 MAILING ADDRESS : 136 COWPER ST
 BILLING SITUS.....: 888 PATTON AVE PALO ALTO , CA 94301
 ASSESSED ACRES.....: 2.33 SITUS ADDRESS...: 00888 PATTON AVE
 PROPERTY CLASS.....: 421 RESTAURANT CNTY CODE: BUN BUNCOMBE COUNTY
 CITY CODE: CAS ASHEVILLE CITY
 NEIGHBORHOOD.....: PTF 100 B PATTON AVENUE FRONT FIRE CODE:
 INFORMATION BY/DATE: 086 10-15-2014 QUAD : 1 CRA CODE:
 NEXT REVIEW DATE...: 00-00-0000 SCHL CODE:
 NOTE.....: VACANT RESTAURANT
 DESCRIPTION.....: GARILLA CAR WASH
 DEED DATE.....: 12-05-2008
 DEED BOOK/PAGE/INST: 4628/1619-SWD ZONING.....: HB HIGHWAY BUSINESS 100%
 PLAT BOOK/PAGE.....: 0000/0000
 SUBDIVISION NAME...:
 SUBDIV BLK/SECT/LOT: / /
 WATERSHED.....: 0 NONE CONSERVATION ESMT. :
 PHOTO.....: Y FILE NO:

***** FINAL APPRAISED/ASSESSED VALUE *****

	SYSTEM	SYSTEM	ASSESSED VALUE ADJ	EXEMPTED AMOUNT	*	FINAL
*	APPRAISED	ASSESSED			*	ASSESSED
*	VALUE	VALUE			*	VALUE
LAND ----->	1,472,500	1,472,500			*	1,472,500
BUILDING(S) ---->	406,300	406,300			*	406,300
STRUCTURE(S) --->	5,100	5,100			*	5,100
TOTAL ----->	1,883,900	1,883,900	0	0	*	1,883,900

***** ASSESSEMENT HISTORY *****

TAX YR	ACCOUNT #	ACRES	LAND	BUILDINGS	STRUCTURES	EXEMPTION	DEFERRED	TAXABLE
2015	008234108	2.33	1,472,500	406,300	5,100			1,883,900
2014	008234108	2.33	1,472,500	406,000	5,100			1,883,600
2013	008234108	2.33	1,472,500	406,000	5,100			1,883,600
2012	008234108	2.33	935,400	701,100	16,100			1,652,600
2011	008234108	2.33	935,400	701,100	16,100			1,652,600

***** SALES HISTORY ***** ONLY QUALIFIED SALES ARE USED FOR VALUATION PURPOSES
 DATE OF DEED DEED DEED QUALIFIED DISQUALIFY DATA VACANT @ TIME
 SALE BOOK PAGE INST SALE (Y/N) CODE SOURCE OF SALE (Y/N) SALE PRICE SALE NOTE
 12 05 2008 4628 1619 SWD N A STP N

***** MAPPING NOTES *****
 MIS 01/17/2009 9638.06-47-0798.000 NOW SHOWN AS 9638-47-1862-00000 AS OF 1/20/2009

CONT. PARCEL ID: 9638-47-1862-00000 PAGE 2 01/01/2015

***** LAND RECORD(S) ADJUSTMENTS *****

RECORD#	TOT ADJ =	LSIZ ADJ	X (ACCS)	X (TOPO)	X (ESMT)	X	LAND ADJST	X	LAND
ADJST	FACTOR	FCTR	CDE FCTR	CDE FCTR	CDE FCTR	CDE FCTR	CDE FCTR1	CDE	
FCTR2									
001	.9000	1.0000					FLD .90		
002	.0900	1.0000		R .10			FLD .90		

***** LAND DATA *****

REC REC	LAND	UNT	RATE	ADJMT	ADJUSTED	ADJUSTED	APPRAISED
---------	------	-----	------	-------	----------	----------	-----------

APPRAISED

NO	TY	CDE	DESCRIPTION	UNITS	TY	PER	UNIT	FACTOR	VALUE	RATE	VALUE/MRK
001	M	LOT	LOT	70463	SF		23	.9000	1,458,584	21	1,458,584
002	M	RIS	RESIDUAL LAND	31032	SF		5	.0900	13,964	0	13,964
TOTAL ----->				101495	SF				LAND VALUE ->		1,472,548

***** MISCELLANEOUS STRUCTURE(S) *****

STR #	STRUCTURE CDE	DESCRIPTION	CONST YEAR	UN UNITS	TY	GRAD	RATE PER	UNIT	RCN VALUE	NOTE	YRLF TAB	PHY DPR	RCNLD
01	DK	DECK	2005	480	SF	E	7.73		3,710	16X30	15	43%	
02	CNM	CANOPY COMMERCIAL QY	2005	480	SF	E	7.75		3,720	16X30	30	21%	

TOTAL RCNLD VALUE ----->
5,054

CONT. PARCEL ID: 9638-47-1862-00000 PAGE 3 01/01/2015

***** BUILDING CHARACTERISTICS *****

BLDG # .: 01 ACTUAL:1973 ADJUST..:
 BLDG CLS: C MASONRY EFF. AGE...: 80 ACTUAL:40 FUNC DEP:
 GRADE...: C PHY DEP...: 89.70 % 70YR ECON DEP:
 COND...: P POOR

***** BUILDING SECTIONS *****

SECT	YEAR	STORY	BAS	AREA	PERM	HGT	UNITS	RATE	VALUE
01	1973	1.00	Y	6953	384		STRUCTURE	REC RESTAURANT CLASS C	6,953 SF 99.360 690,850
							12 WALL TYPE	86% BRS BRICK OR STONE	3,963 SF .000 0
							12 WALL TYPE	14% GLS METAL/GLASS PANELS	645 SF .000 0
							INT FINISH	100% C06 BAR OR LOUNGE	6,953 SF .000 0
								100% AIR CONDITIONING	6,953 SF 3.750 26,074
02	1973	1.00	N	264	46		STRUCTURE	UR UTILITY AREA OR ROOM	264 SF 28.250 7,458
03	2005	1.00	N	295	69		STRUCTURE	CAN COMMERCIAL CANOPY	295 SF 15.250 4,499

CONT. PARCEL ID: 9638-47-1862-00000 PAGE 4 01/01/2015

----- BUILDING REFINEMENTS DESCRIPTION AND VALUATION -----

	RCN	UNITS	RATE	VALUE
1 S02 1		6,953 SF	104.83	728,881
2 2	-	PHYSICAL DEPREC	89 %	653,806
+---22+-----+		RCNLD	10.80	75,075
4		FINAL APPRAISED VAL	10.80	75,075
3				
+8+				
9				
4				
S01				
**+				
5				
9				
1				
3				
7				

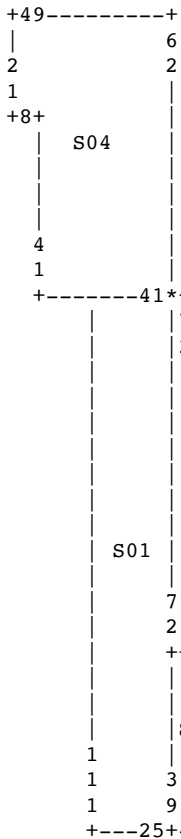
***** BUILDING CHARACTERISTICS *****

BLDG # ..: 02 ACTUAL:1955 ADJUST...:
 BLDG CLS: C MASONRY EFF. AGE...: 58 ACTUAL:58 FUNC DEP:
 GRADE...: C PHY DEP...: 48.00 % 70YR ECON DEP:
 COND...: N NORMAL

***** BUILDING SECTIONS *****

SECT	YEAR	STORY	BAS	AREA	PERM	HGT	STRUCTURE	AWC	AUTO	CAR	WASH	C	UNITS	RATE	VALUE
01	1955	1.00	Y	2775	272		STRUCTURE						2,775 SF	101.560	281,829
							12 WALL TYPE	100%	CBL	CONCRETE	BLOCK		3,264 SF	.000	0
							INT FINISH	100%	G10	AUTOMATIC	CARWASH		2,775 SF	.000	0
02	1998	1.00	Y	897	85		STRUCTURE						897 SF	101.560	91,099
							14 WALL TYPE	100%	PFB	PREFAB	METAL SIDING		1,190 SF	.000	0
							INT FINISH	60%	G10	AUTOMATIC	CARWASH		538 SF	.000	0
							INT FINISH	40%	G08	MINI-LUBE	SERVICE		359 SF	.000	0
03	1998	1.00	N	360	82		STRUCTURE		CAN	COMMERCIAL	CANOPY		360 SF	15.250	5,490
04	1955	1.00	Y	2710	181		STRUCTURE		AWS	AUTO	CAR WASH	S	2,710 SF	95.410	258,561
							10 WALL TYPE	100%	PFB	PREFAB	METAL SIDING		1,810 SF	.000	0

----- BUILDING REFINEMENTS DESCRIPTION AND VALUATION -----



	RCN	6,382 SF	99.81	636,979
-	PHYSICAL DEPREC	48 %		305,750
	RCNLD		51.90	331,229
	FINAL APPRAISED VAL		51.90	331,229

4

Man



Doc ID: 031251970006 Type: CRP
Recorded: 07/17/2017 at 04:14:46 PM
Fee Amt: \$26.00 Page 1 of 6
Workflow# 0000422615-0001
Buncombe County, NC
Drew Reisinger Register of Deeds
BK **5570** PG **1729-1734**

CONVEYANCE OF SEWER SYSTEM AND EASEMENT

GRANTOR(S): Patrick M. Cullen

GRANTEE(S): Metropolitan Sewerage District of Buncombe County, North Carolina

MAIL TO: William Clarke
Roberts & Stevens, PA
(Box 39)

R&S 1864129_1

**Prepared By and Return to: William Clarke of Roberts & Stevens, P.A. (Box 39) and
Metropolitan Sewerage District of Buncombe County
Attn: Private Development Coordinator
2028 Riverside Drive
Asheville, NC 28804**

**STATE OF NORTH CAROLINA) CONVEYANCE OF SEWER SYSTEM
) AND EASEMENT FOR PATRICK M.
COUNTY OF BUNCOMBE) CULLEN, METROPOLITAN
) SEWERAGE DISTRICT PROJECT 2016182**

THIS CONVEYANCE OF SEWER SYSTEM AND EASEMENT made this ___ day of June, 2017, from **PATRICK M. CULLEN**, hereinafter referred to as the "Grantor", to the **METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA**, a public body and body politic and corporate, created and established by the North Carolina State Stream Sanitation Committee by Resolution adopted on January 19, 1962, under the provisions of the North Carolina Metropolitan Sewerage Districts Act, now codified as Chapter 162A, Article 5, of the General Statutes of North Carolina, hereinafter referred to as "Grantee" (the designations Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine and neuter as required by context).

WITNESSETH:

THAT WHEREAS, Grantor is the owner and developer of property shown on a survey plat prepared by Associated Land Surveyors & Planners, PC, dated May 18, 2017 and recorded in Plat Book 176 at Page 31, Buncombe County Registry (the "Plat"); and

WHEREAS, Grantor installed sewer lines and sewer related improvements (hereinafter "Sewer Lines and Sewer Related Improvements") according to plans and specifications prepared by Gary Dean Davis, P.E., an engineer licensed in the State of North Carolina and pursuant to permits issued by the Metropolitan Sewerage District of Buncombe County, North Carolina; and

WHEREAS, the Sewer Lines and Sewer Related Improvements constructed by the Grantor are shown on as-built drawings prepared by Gary Dean Davis, P.E. entitled, *Sewer Line As-Built for 880-888 Patton Avenue*, dated May 24, 2017, reference to which as-built drawings is made for a complete description of the Sewer Lines and Sewer Related Improvements; and

WHEREAS, Grantor retained easements for the Sewer Lines and Sewer Related Improvements and said sewer lines and easements are shown on the Plat, reference to which Plat is hereby made for a more particular description of the exact location of the Sewer Lines and Sewer Related Improvements and easements therefor; and

WHEREAS, Grantor obtained a thirty foot sewer easement from Buncombe Realty LP for the portion of the Sewer Line connecting the manhole on the Grantor's property to the MSD Sanitary Sewer manhole on the south side of Smith Mill Creek, said easement being conveyed and described in Deed Book 5509 at Page 1422 Buncombe County Registry; and

R&S 18-0978_1

WHEREAS, the Grantor now desires to convey to the Grantee and the Grantee is willing to accept the Sewer Lines and Sewer Related Improvements together with the easements therefore, including the easement described and conveyed in Deed Book 5509 at Page 1422 Buncombe County Registry ;

NOW, THEREFORE, the Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, has given, granted and conveyed, and by these presents does give, grant and convey unto the Grantee, its successors and assigns, the Sewer Lines and Sewer Related Improvements shown on the as-built drawings together with permanent easements therefore, as shown on the Plat recorded in Plat Book 176 at Page 31, Buncombe County Registry, together with the full right of reasonable access to and egress from said permanent easements over and upon the above-referenced property or other property of Grantor from the nearest public road to have access to the Sewer Lines and Sewer Related Improvements in order to properly operate and maintain the Sewer Lines and Sewer Related Improvements and to repair and replace the Sewer Lines and Sewer Related Improvements as necessary.

The easements being conveyed to the Grantee are described as follows:

EASEMENT # 1 - is that easement conveyed to Grantor from Buncombe Realty in Deed Book 5509 at Page 1422 Buncombe County Registry reference to which document is made for a more particular description of the Easement.

EASEMENT # 2 - BEGINNING at a point located South 32 degrees 28' 57" West 16.32 feet from the northeastern corner of the easement described in Deed Book 5509 at Page 1422 Buncombe County Registry and from said BEGINNING POINT, running thence as follows: South 32 degrees 28' 57" West 14.41 feet to a point, also being the northwestern corner of the easement described in Deed Book 5509 at Page 1422 Buncombe County Registry; thence South 32 degrees, 28' 57" West 5.70 feet to a point; thence North 51 degrees, 24' 56" West 22.50 feet; thence North 32 degrees 28' 57" East 14.63 feet; thence North 32 degrees 28' 57" East 5.49 feet; thence South 51 degrees, 24' 56" West 22.50 feet to the point and place of **BEGINNING**.

Grantor retains and does not convey the following easements shown on the Plat:

Proposed 25 foot Sewer Easement for the benefit of 888 Patton Avenue;

Proposed Private Sewer Easement for the benefit of 876 Patton Avenue & 880 Patton Avenue; and

Proposed Temporary Construction Easement.

IT IS UNDERSTOOD BY AND BETWEEN THE GRANTOR AND THE GRANTEE:

1. That the Grantee shall have the right, but not the obligation, to clear the permanent easements as shown on the Plat and described herein, and the right, but not the obligation, to keep the permanent easements clear at all times, and the right, but not the obligation, to remove from the permanent easements all brush, trees and other obstructions, and to go upon said permanent easements whenever necessary for the purpose of clearing the same and removing therefrom all brush, trees and other obstructions of any kind.

2. That the Grantor shall at all times, other than while the Sewer Lines and Sewer Related Improvements are under actual construction, have the right to use said permanent easements in the same manner as has been heretofore done; provided such use shall in no manner interfere with or be inconsistent with the use thereof by Grantee as provided herein. Prohibited uses of the permanent easements by the Grantor include, but are not limited to, the following: the erection of a shed, building, structure or other obstruction within the permanent easements by the Grantor shall not be allowed; the planting of trees within the permanent easements by the Grantor shall not be allowed; additional fill cannot be placed within the permanent easements except after prior written consent from the Grantee; and other utility lines, including but not limited to, electric,

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gas, telephone, cable, or water lines, cannot be constructed within the permanent easements except after prior written approval by the Grantee.

3. That the Grantee agrees to restore the topography of the easement areas after any necessary repair or replacement of the Sewer Lines and Sewer Related Improvements to approximately the same condition as existed prior to the repair or replacement.

4. That the Grantor shall have the rights to pass over and upon said permanent easements with appropriate roadways for the full use of their respective property; provided, however, that the construction, maintenance and use of said roadways shall in no way interfere with the Sewer Lines and Sewer Related Improvements constructed within said permanent easements. As to paved roads, the Grantee, in future repairs or maintenance of said Sewer Lines and Sewer Related Improvements, shall only be responsible for regravelling, tamping and patching the portion of said paved roads disturbed in connection with any repairs or maintenance. As to non-paved roads, the Grantee shall only be responsible for regravelling and tamping in connection with any repairs or maintenance.

5. During the time the Grantor own their respective property on which the permanent sewer easements are located, the Grantor agrees to indemnify, defend and hold harmless the Grantee from and against any claim for injury to person or property arising out of the use of the easements for walking trails or greenways provided such injury does not proximately result from the negligence, gross negligence or intentional act of the Grantee, its agents or employees. Should a deed conveying the subject walking trail or greenway containing the sewer easements be conveyed to a Property Owner's Association, the Association agrees to indemnify, defend and hold harmless the grantee from and against any claim for injury to person or property arising out of the use of the sewer easements for walking trails or greenways provided such injury does not proximately result from the negligence, gross negligence or intentional act of the Grantee, its agents or employees.

TO HAVE AND TO HOLD said Sewer Line and Sewer Related Improvements together with the easements therefor unto said Grantee, its successors and assigns, forever upon the terms set forth herein.

The Grantor covenants to and with the Grantee, its successors and assigns, that the Grantor is the owner of the Sewer Lines and Sewer Related Improvements and the easements therefor, and that said Sewer Lines and Sewer Related Improvements and the easements therefor are free from any and all liens and encumbrances, and that it will and its successors and assigns shall forever warrant and defend the title to said Sewer Lines and Sewer Related Improvements and easements therefor unto the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this document to be executed by its duly authorized officers or member/manager as of the day and year first above written.

[Signature pages to follow.]

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Grantor: Patrick M. Cullen

By: Patrick M Cullen

Print Name: Patrick Cullen

Title: Owner

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF San Mateo

I, a Notary Public of San Mateo County, California, certify that **Patrick M. Cullen** appeared before me and being personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official stamp or seal, this 23 day of June, 2017.

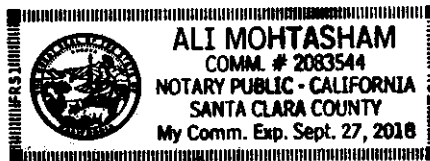
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NOTARY PUBLIC

My Commission Expires:

sep 27, 2018

[NOTARIAL SEAL]



METROPOLITAN SEWERAGE
DISTRICT OF BUNCOMBE COUNTY,
NORTH CAROLINA

By: *Jerry VeHaun*
Jerry VeHaun
Chairman of the Board

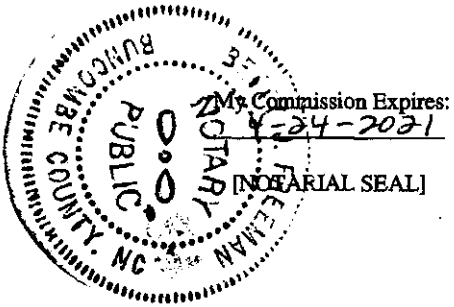
STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, a Notary Public for said State and County, certify that JERRY VEHAUN personally came before me this day and acknowledged that he is Chairman of the Board of the METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA, a Public Body and Body Politic and Corporate, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed by him in his name as Chairman of the Board.

WITNESS my hand and official stamp or seal, this 13 day of July, 2017.

Betty J Freeman
Notary Public



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