



PLEASE NOTE: A PRE-SUBMITTAL CONFERENCE WITH THE ZONING ADMINISTRATOR IS REQUIRED PRIOR TO SUBMITTING THIS APPLICATION.

A. Property Information

PIN(s): 9752-24-0297; 9752-24-0579
 Address(es): 9 Pleasant Grove Road; 99999 Reems Creek Road
 Project Name: 9 Pleasant Grove Acreage: 6.70
 Zoning District: R-3 Average Natural Slope: 14.5 % Elevation: 2101 FT above sea level
 Current Land Use(s): SF Residential Utilities: water, sewer
 Floodplain Steep Slope/High Elevation Protected Ridge Watershed BR Pkwy

B. Application for Special Use Permit for a Level 1 PUD

1. Application is hereby made to the Board of Adjustment to issue a Special Use Permit for a Level I Planned Unit Development for use of the property as a *(please provide a brief description of the use)*:
40 planned community act townhome unit subdivision

2. List the number of each type of **Commercial** unit/structure:
 Commercial units: _____ Commercial structures: _____ Commercial Sq. Ft.: _____

3. List the number of each type of **Residential** unit/structure:
 Residential units: 40 Residential structures: 10
 Single Family units: _____ Townhome units: 40 Condo units: _____ Apartment units: _____
 Units for Sale: 40 Units for Rent: _____ Units for Short term/Vacation rental: _____

C. Land Development Standards

Are you proposing any deviations from the Zoning Ordinance standards through this PUD? Yes No
 If yes, check which standards you are requesting to amend:

Lot size Land use types Maximum building height Parking
 Commercial density Interior setbacks Distances between buildings Other

Are you subdividing lots? If so, how many: yes - 40 Smallest lot size proposed: 1,989 SF
 Min. distance between buildings: 0 FT Max. shortest side building heights: 35 FT
 Min. Internal Setbacks: n/a FT External setbacks cannot be waived: Confirm

OFFICE USE ONLY: Date received: _____ Fee Paid: \$ _____ Case: ZPH20 _____ - _____
 Pre-Submittal Conference with/date: _____
 Scheduled BOA Hearing: _____
 Scheduled PB Hearing for Subdivision: _____

Approval of a PUD is conceptual and does not exempt the applicant from meeting all required Ordinance standards, except for those standards specifically listed on this application and agreed to by the Board. PUD's which intend to subdivide lots must also submit a subdivision application.

Applicant Contact Information (Developer of this project)

Pleasant Grove of WNC, LLC

Company/Corporate Name (if applicable)

David Luck

Applicant's Name

1335 Cane Creek Road, Fletcher, NC 28732

Mailing Address (Street number, Street name, City, State, Zip Code)

(847) 323-7638

Telephone

Email

Signature

Date

D. Authorized Representative (If different)

Civil Design Concepts, P.A.

Company/Corporate Name (if applicable)

Warren Sugg, P.E.

Applicant's Name

168 Patton Avenue

Mailing Address

Asheville, NC 28801

City, State, and Zip Code

(828) 252-5388

Telephone

wsugg@cdcgo.com

Email

Signature

Date

E. Owner (If different)

Darrell Bruce Brank

Owner's Name

9 Pleasant Grove Road

Mailing Address

Weaverville, NC 28787

City, State, and Zip Code

()
Telephone

Email

Signature

Date

OFFICE USE ONLY

APPLICABLE ORDINANCE SECTIONS

Sec 78-677, Procedure for obtaining a Special use permit
Sec 78-678 (b)(6), Uses by right subject to special requirements and Special use standards – Planned Unit Developments, Level I

PUBLIC NOTICE

Notice in AVL Citizen Times legal ad.
Notice mailed to owners within 1,000 feet.
Physical posting
Notice on BC Website.
Hearing Date

Notes

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Signature

Date

E. Owner (If different)

Estate of Robert David Brank

Owner's Name

119 Upper Grove Lane

Mailing Address

Weaverville, NC 28787

City, State, and Zip Code

()
Telephone

Email

Signature

Date

OFFICE USE ONLY

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Telephone

wsugg@cdcgo.com

Email

Signature

Date

E. Owner (If different)

Estate of Robert David Brank

Owner's Name

119 Upper Grove Lane

Mailing Address

Weaverville, NC 28787

City, State, and Zip Code

(828) 275-1706

Telephone

dbrank@Outlook.com

Email

Robert D Brank 7/11/2022

Signature

Date

Executor, Robert David Brank Estate

OFFICE USE ONLY:

APPLICABLE ORDINANCE SECTIONS

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Estate of Robert David Brank

Owner's Name

9 Pleasant Grove Road

Mailing Address

Weaverville, NC 28787

City, State, and Zip Code

(828) 275-7700

Telephone

drbrank@outlook.com

Email

Robert David Brank 7/11/2022

Signature

Date

EXECUTOR, ROBERT DAVID BRANK ESTATE

OFFICE USE ONLY:

APPLICABLE ORDINANCE SECTIONS

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F. SPECIAL USE PERMIT APPLICATION CHECKLIST

The Zoning Administrator reserves the right to waive checklist requirements which are not applicable for the project.

I, the petitioner, submit a site-specific development plan containing the following information (Please mark 'NA' by any requirement that is not applicable and provide a brief statement as to why it is not applicable.):

Development Plans:

- A digital version of the development plan in pdf format.
 - A statement of present and proposed ownership.
 - Development schedule indicating approximate beginning and completion dates of the development, including any proposed stages.
 - Statement of the applicant's intentions regarding future sales and/or leasing of all or portions of the development.
 - Quantitative data for the following: proposed total number and type of residential dwelling units, parcel size, gross residential densities, and the total amount of open space.
 - Plan for maintenance of common areas, recreation areas, open spaces, streets and utilities.
 - Location of cluster mail box unit for mail delivery. Developer is responsible for coordinating the review, approval, and construction of the cluster box unit through the servicing post office of the USPS.
 - Show proposed road names on plan.
 - Building footprints on the site plan, and architectural renderings for all buildings, drawn to a known scale (*the Administrator may approve standard drawings for single family residential projects*).
 - Elevation renderings of the site, to scale, for any retaining wall system proposed to provide a cumulative vertical relief in excess of 10' in height showing landscaping, vegetative screening, and the top and bottom of the wall at grade.
- NA** For developments of more than 75 residential units, a traffic impact study meeting the guidelines for traffic impact studies provided in the North Carolina Department of Transportation's "Policy on Street and Driveway Access to North Carolina Highways."

Site Conditions:

- Existing site conditions including the following if applicable: contours, watercourses, identified flood hazard areas, and any unique natural or manmade features.
- Boundary lines of the proposed development, lot lines, and plot design.
- Proposed location and use of all existing and proposed structures, including the location of any proposed retaining walls. The maximum height of any retaining wall shall be shown on the proposed site plan.
- Location and size of all areas to be conveyed, dedicated, or reserved as common open space, parks, recreational areas, school sites, and similar public and semipublic uses.
- Locations and/or notation of existing and proposed easements and rights-of-way.
- Zoning district in which the project is located.

Infrastructure:

- Existing and proposed street system, including the location and number of off-street parking spaces, service areas, loading areas, and major points of access to the public right-of-way.
- Notation of the proposed ownership of the street system (*public or private*).
- Documentation from the Buncombe County Fire Marshal indicating the adequacy of the development's facilities for emergency medical and fire services.
- Approximate location of proposed utility systems, including documentation of water and sewer availability.
- Documentation of pre-application conferences with the Sedimentation and Erosion Control and Stormwater Management offices (*where required*).
- NCDOT Driveway permit approved (*Other documentation may be approved by the Administrator*).

Perimeter and Adjacent Uses:

- Proposed treatment of the development's perimeter including materials/techniques (*ex: screens, fences, walls*).
- Information on adjacent lands: land use, zoning classifications, public facilities, and any unique natural features.

G. BURDEN OF PROOF

The Board of Adjustment will approval or deny an application based on the facts and testimony offered in the public hearing. The burden of proof lies with the applicant to demonstrate that all requirements have been met. In the spaces provided below, indicate **the facts you intend to demonstrate** and **the arguments that you intend to make** to demonstrate to the Board that it can properly grant the Special Use Permit as provided for in §78-677(g) *Procedures for obtaining a Special Use Permit, Conditions for granting approval*, and the Planned Unit Development Level 1 approval as provided for in §78-678(b)(6) *Special Use Standards, Planned Unit Developments, Level I (PUDI)*.

Answers must be provided in the space below, do not submit answers on a separate form. Where applicable, indicate if a requirement does not apply and why. If this is a revision to a previously approved SUP and the answers to the statements below have not changed, indicate 'no change from previous approval'.

SPECIAL USE PERMIT STANDARDS:

1. Indicate how the proposed SUP will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed SUP:

APPLICANT NARRATIVE

The proposed project will provide safe access, municipal water and sewer, and stormwater management.

2. Indicate how the proposed SUP will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood of the proposed SUP:

APPLICANT NARRATIVE

The proposed residential planned community act project is a residential use, which is allowed within the R-3 Zoning District. The project will be served by existing public infrastructure and private infrastructure.

3. Indicate how the proposed SUP will not cause or have adverse effects on surrounding properties due to noise, vibration, odor, or glare effects:

APPLICANT NARRATIVE

The proposed residential project is a residential planned community act development, similar to much of the area surrounding the project. As such, this proposed project will have a similar use and not adversely affect the surrounding properties via on-going noise, vibration, odor or glare. The project will maintain as much vegetation as possible surrounding the newly constructed structures to sustain the existing natural setting and act as a natural buffering of noise, vibration, odor and glare.

4. Indicate how satisfactory ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control have been provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

Ingress and egress to the property is proposed via Pleasant Grove Road.

5. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The proposed project will connect and extend public water and public sewer to serve the project. Water will be provided by the Town of Weaverville from Pleasant Grove Road and sewer will be provided by MSD of Buncombe County from Pleasant Grove Road. Current on-site capacity for both water and sewer has been confirmed to be adequate to serve the uses and density of the proposed project, per water and sewer allocations.

6. Indicate how signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic effect will be compatible and harmonious with properties in the area or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The project proposes an identifying monument sign at the entrance drive to the project. Exterior lighting will be provided for safety in accordance to the Zoning Ordinance.

7. Indicate what playgrounds, open spaces, yards, landscaping, access ways, and pedestrian ways are proposed, with reference to location, size, and suitability in relation to the proposed SUP or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The proposed project will have a playground area and various open space areas in several locations of the project along with access to maintained natural areas along the development. Final mix of active and passive (green space) recreation items will be determined by HOA.

8. Describe building(s) and structure(s) with reference to location, size, and use and how the proposed buildings would be compatible with the surrounding neighborhood or how the items listed are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The proposed buildings will be 2 story. Structure heights will be less than the 35' allowed height to peak of roof pitch. This height also allows for the proposed buildings to be similar to existing building types throughout the market.

9. Describe the hours of operation of the proposed use and how those hours will protect and maintain the character of the surrounding neighborhood or how the hours of operation are not applicable to the proposed SUP:

APPLICANT NARRATIVE

The project is a residential and therefore not applicable to requirements regarding hours of operation.

PLANNED UNIT DEVELOPMENT STANDARDS:

10. Indicate ownership of the subject property. The land in a PUDI shall be under single ownership or management by the applicant before final approval and/or construction, or proper assurances (legal title or execution of a binding sales agreement) shall be provided that the development can be successfully completed by the applicant.

APPLICANT NARRATIVE

The project consists of a residential planned community act development that will be developed and managed by Pleasant Grove of WNC, LLC, a development and investment company. Pleasant Grove of WNC, LLC is currently under contract to buy the property from the owner and will close on the property/start construction once approved and permitted.

11. Indicate the total number of residential dwelling units and dwelling units per acre. There are no density requirements for nonresidential uses as long as the proposed project does not violate the intent of the district in which it is located. The proposed residential density of the PUDI (dwelling units per acre as shown in Section 78-642) shall conform to that permitted in the district in which the development is located. If the PUDI lies in more than one district, the number of allowable dwelling units must be separately calculated for each portion of the PUDI that is in a separate district, and must then be combined to determine the number of dwelling units allowable in the entire PUDI. When the PUDI is a community oriented development, the allowed density shall be in accordance with Sec. 78-650.

APPLICANT NARRATIVE

The proposed development is located in the R-3 Zoning District. The standard density of the district is 12 units per acre and the project complies with this density. The project area is 6.70 acres allowing 80 units. The project only proposes 40 units, which is 6.0 units per acre.

12. Indicate all proposed uses. A mixture of land uses shall be allowed in any PUDI. However, within residential districts, nonresidential uses shall be carefully designed to complement the residential uses within the PUDI. All PUDIs must be compatible with and not violate the intent of the zoning district; however, said uses may include uses not permitted under Sec. 78-641 within the zoning district(s) within which the project is located, provided that the Board of Adjustment finds that nonresidential uses do not disrupt the character of the community.

APPLICANT NARRATIVE

The project will consist of planned community act units. This is an acceptable use in the R-3 zoning district.

13. Lot size and setbacks shall be shown on the submitted site plan. The normal minimum lot size and requirements for interior setbacks are hereby waived for the PUDI, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment. Please address how proposed lot sizes and interior setbacks comply with the spirit and intention of the Zoning district.

APPLICANT NARRATIVE

The proposed development is designed to comply with the requirements of the district. The project is presented to show that the required exterior setbacks are ample for the site and reductions shall not be needed.

14. The normal maximum structure height may be waived for the PUDI, provided that unique elements of the development impose requirements for additional height that are not universal throughout the zoning district. PUDIs within the Blue Ridge Parkway Overlay District may not contain structures which exceed the maximum height allowed within the overlay district. Indicate the height of the tallest structure, as measured on the shortest side of the building. For structures within the Steep Slope/High Elevation or Protected Ridge Overlay, provide the average height. Please address how proposed height of the buildings complies with the spirit and intention of the Zoning district.

APPLICANT NARRATIVE

The proposed buildings will all be 2 story. Structure heights will less than the 35' allowed height to peak of roof pitch. This height also allows for the proposed buildings to be similar to existing building types throughout the market.

15. Indicate distances between buildings. The minimum distance between buildings shall be 20 feet or as otherwise specified by the Board of Adjustment to ensure adequate air, light, privacy, and space for emergency vehicles.

APPLICANT NARRATIVE

The proposed project's multi-family buildings are all a minimum of 0' apart.

16. (SUP) Indicate how buffering, with reference to type, locations, and dimensions will be provided or how it is not applicable to the proposed SUP. (PUD) Indicate how the development provides reasonable visual and acoustical privacy for all dwelling units. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its ocSUPants, screening of objectionable views or uses, and reduction of noise. Multilevel buildings shall be located within a PUDI in such a way as to dissipate any adverse impact on adjoining low-rise buildings and shall not invade the privacy of the ocSUPants of such low-rise buildings.

APPLICANT NARRATIVE

The proposed project will have reasonable visual and acoustical privacy by the use of landscaping at each unit and appropriate landscape buffering. Likewise the units will be constructed such that acoustical privacy is maintained among the units and to the surrounding community.

17. Indicate conformance with perimeter setbacks. Structures located on the perimeter of the development must be set back from property lines and rights-of-way of abutting streets in accordance with the provisions of the zoning district.

APPLICANT NARRATIVE

The proposed buildings meet all exterior setbacks as outlined in the R-3 district.

18. Indicate how off-street parking and loading areas are proposed to be provided, with particular attention to the items in §78-658 of the Buncombe County Zoning Ordinance or how the items listed are not applicable to the proposed SUP. Include the number of parking spaces proposed. Parking requirements may be waived for the PUDI, provided that the spirit and intent of this section are complied with in a total development plan, as determined by the Board of Adjustment.

APPLICANT NARRATIVE

Parking will be provided in a 2 car garage with guest parking in the driveway's.

19. Indicate proposed conveyance and maintenance mechanisms. Conveyance and maintenance of open space, recreational areas and communally owned facilities shall be in accordance with G.S. 47-1 et seq. the Unit Ownership Act and/or any other appropriate mechanisms acceptable to the Board of Adjustment.

APPLICANT NARRATIVE

The proposed project consists of common areas that will be managed under the Owner's Association.

H. CERTIFICATION

- I hereby certify that I am the owner, contractor, or authorized agent of the owner, and the above information is correct to the best of my knowledge and hereby make application for a Special use permit. Any information given that is incorrect will cause this application to become null and void.
- I acknowledge that withdrawal of this application after notice has been made will result in forfeiture of any application fees associated with said application.



Signature of Petitioner

7 7 2002
Month Day Year

The Town of
Weaverville
NORTH CAROLINA

May 24, 2022

Mr. Warren Sugg, PE
Civil Design Concepts, PA
168 Patton Avenue
Asheville, NC 28801

Re: Water Commitment for 9 Pleasant Grove Road Townhouses
PIN 9752-24-0297

Dear Mr. Sugg:

This letter represents the Town of Weaverville's review of the water commitment request that was submitted by you dated February 7, 2022 and received on February 9, 2022. Your request indicated that a proposed development on the property listed above would consist of 13 buildings totaling 54 townhouse units. You requested domestic water service for 54 townhouses at 400 GPD each (21,600 GPD) rounded to 22,000 GPD and fire protection service at 1000 GPM. Based on our review, it has been determined that our water system has adequate capacity to serve this connection. Therefore, based on the information that you have provided, your commitment request is hereby approved to provide your project with domestic water service with two 6" taps, a looped water line of approximately 1,400 LF, individual water meters, and at least 4 hydrants for fire protection. The following represents the conditions that must be met in order for the Town to provide water to your project:

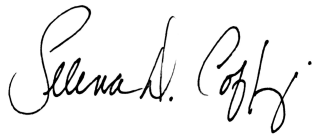
1. Please have your engineer coordinate with Weaverville Public Works Director Dale Pennell on the detailed plans, materials, and installation of this water service.
2. All water lines and services must be installed in accordance with Town Code and Water Policies, Procedures, and Specifications. Component submittals must be provided to the Public Works Director for approvals. Work must be performed by a NC Licensed Utility Contractor and supervised by Town staff, with permitting by the NC Department of Environmental Quality – Public Water Supply Section.
3. The Owner/Developer is to pay all costs associated with the installation of the water system, water service line, taps, meters, valves, hydrants, and other related appurtenances.

30 South Main Street • Weaverville, NC 28787 (PO Box 338)
(828) 645-7116 • Fax (828) 645-4776
www.weavervillenc.org

4. Tap fees are not required where taps, meters, and associated appurtenances are provided and installed by Owner/Developer; a Tap Fee must be paid if the tap is made by Town Staff. System Development Fees, Service Charges, and Deposits will be assessed at the time water service is requested to be turned on.
5. This water commitment is valid only for the project described in this letter and is valid for 1 year from the date of this letter. Installation of the water system improvements must begin before the expiration date unless otherwise extended per town policy.
6. This water commitment does not constitute the Town's approval and acceptance of the proposed project.
7. This water commitment cannot be used to secure a building permit. To be eligible for a building permit, your water tap(s) for the project must be installed, approved, and activated.

You paid \$100 on February 7, 2022 as part of your Application for a Commitment Letter. Additional fees based on the number of the domestic meters for the approved project will be required to activate your accounts per the Town's current Fee Schedule.

Sincerely,

A handwritten signature in cursive script that reads "Selena D. Coffey".

Selena D. Coffey, MPA, ICMA-CA
Town Manager

cc: Dale Pennell, Public Works Director



Metropolitan Sewerage District

of Buncombe County, North Carolina

Allocation Approval

**This approval is not to be used to obtain a building permit
and is for gravity sewer extension only.**

Applicant: Warren Sugg, P.E.
Company: Civil Design Concepts, PA
Mailing Address: 168 Patton Avenue, Asheville, NC 28801
Phone: 828-252-5388 (H)
Project #: 2022034
Project Name: PLEASANT GROVE TOWNHOMES
Project Location: PLEASANT GROVE ROAD (9)
PIN: 9752240297

MSD of Buncombe County has approved your request for 16,200 GPD

The connection point (manhole #) will be TO BE DETERMINED

The project will consist of (54) single family Townhomes

Your final approval is contingent upon compliance of the items below:

- A PUBLIC 8-INCH GRAVITY-ONLY SEWER EXTENSION IS REQUIRED. Please consult the Sewer Extension Policy, Sewer Extension Manual for Developers on our website www.msdbc.org. If you still have questions after consulting the website please contact Kevin Johnson at (828)-225-8289.
- The proposed connection point is a new MH cut into a 15" interceptor line. This connection point will be addressed in the plan review. It appears the MH 43-112165 might be a better option.

Comments:

- * Prior to the release of building permits, Sewer Extension Permit must be issued and Sewer Service Applications submitted, and related fees paid.
- * Sewer Service Applications cannot be submitted until Sewer Extension Permit is issued.

The North Carolina Department of Environmental Quality (NCDEQ) requires MSD to issue this approval based on line condition/capacity of the receiving sewer and remaining plant capacity.

This allocation approval will expire on **03/02/2023** if no construction has started.

If you have any questions, please contact MSD.

Kevin Johnson
MSD Planning and Development

2

Workflow No. 0000000558-0001



Doc ID: 021982600002 Type: CRP
Recorded: 05/19/2009 at 01:19:14 PM
Fee Amt: \$24.00 Page 1 of 2
Revenue Tax: \$7.00
Workflow# 0000000558-0001
Buncombe County, NC
Otto W. DeBruhl Register of Deeds

BK 4683 PG 269-270

Revenue Stamp 47.00

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Chad E. Freeman CHECKED BY [Signature]

RETURN TO: Department of Transportation
Right of Way - Negotiations
79 Turtle Creek Drive, Asheville, NC 28803

NORTH CAROLINA
COUNTY OF Buncombe
TAX MAP AND LOT 9752-24-0297

WBS #: 33703.2.1
PARCEL NUMBER: B-4446 001
ROUTE: Br. # 227 over Reems Crk.

THIS FEE SIMPLE DEED, made and entered into this the 16th day of April 20 09
by and between Robert David Brank, unmarried
9 Pleasant Grove Road
Weaverlyville, NC 28787

hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum of \$ 3,500.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Reems Creek Township, Buncombe County, North Carolina, which is particularly described as follows:
Point of beginning being a point in a southeast line of the undersigned, and being N 13°56'08" W, 103.13 feet from of a Point in the Center Line of PC Sta. 10+50.63; thence to a point on a bearing of N 01°03'27" W, a distance of 215.4 feet (65.64 meters); thence to a point on a bearing of S 35°21'43" E, a distance of 33.2 feet (10.13 meters); thence along a circular curve 188.9 feet (57.59 meters) and having a radius of 1825.0 feet (556.26 meters). The chord of said curve being on a bearing of S 04°38'08" W, a distance of 188.8 feet (57.56 meters); returning to the point and place of beginning.

IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:
A Temporary Construction Easement described as follows:
Point of beginning being a point in a southeast line of the undersigned, and being N 13°56'08" W, 103.13 feet from of a Point in the Center Line of PC Sta. 10+50.63; thence to a point on a bearing of N 07°22'48" W, a distance of 93.2 feet (28.41 meters); thence to a point on a bearing of N 03°43'30" E, a distance of 123.1 feet (37.53 meters); thence to a point on a bearing of S 01°03'27" E, a distance of 215.4 feet (65.64 meters); returning to the point and place of beginning.

SPECIAL PROVISIONS. This deed is subject to the following provisions only:
The above described Temporary Construction Easement will expire upon completion of the project.
It is understood and agreed that the department shall have the right to construct and maintain the cut and/or fill slopes in the above described area until such time that the property owners alter the adjacent lands in such a manner that the lateral support of the cut and/or fill slopes is no longer needed. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits will terminate upon completion of the project.

The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Buncombe County Registry in Deed Book 957 Page 266.
The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

The GRANTORS by the execution of this instrument, acknowledge that the plans for the above referenced project as they affect their remaining property have been fully explained to them or their authorized representative, and they do hereby release the Grantee, its successors and assigns from any and all claims for damages resulting from the construction of said project or from the past, present or future use of said premises herein conveyed for any purpose for which the said Department is authorized by law to subject the same.

County: Buncombe **Project:** 33703.2.1 **Parcel:** B-4446 001
 TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions:

NONE

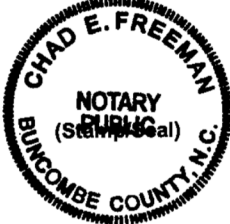
IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

 (Corporate Name) Robert David Brank (SEAL)
Robert David Brank
 BY: _____ (President) _____ (SEAL)
 ATTEST: _____ (Secretary) _____ (SEAL)

 Corporate Seal

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

Robert L. Shettle

	STATE OF <u>North Carolina</u> COUNTY OF <u>Buncombe</u> I, <u>Chad E. Freeman</u> a Notary Public for said County and State, so hereby certify that <u>Robert David Brank, unmarried</u>
	GRANTORS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the <u>16th</u> day of <u>April</u> , 20 <u>09</u> . My commission expires <u>10/08/13</u> <u>Chad E. Freeman</u> Notary Public
(Stamp/Seal)	STATE OF _____ COUNTY OF _____ I, _____ a Notary Public for said County and State, certify that _____ personally came before me this day and acknowledged that he/she is _____ of _____ a corporation, and that he/she, as _____ being authorized to do so, executed the foregoing on behalf of the corporation. Witness my hand and official stamp or seal, this the _____ day of _____, 20 _____. My commission expires _____ Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered on the _____ day of _____, 20 _____ in Book _____, Page _____ at _____ o'clock _____ M.
 REGISTER OF DEEDS FOR _____ COUNTY
 BY: _____ Deputy/Assistant - Register of Deeds

Type: CONSOLIDATED REAL PROPERTY
Recorded: 3/19/2021 9:16:28 AM
Fee Amt: \$26.00 Page 1 of 3
Revenue Tax: \$0.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6037 PG 499 - 501

NORTH CAROLINA QUITCLAIM DEED

Excise Tax: \$0.00

Parcel Identifier No. 9752-24-0579 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Musial Law Firm PLLC, PO Box 2464, Weaverville, NC 28787; Buncombe ROD Box #4
This instrument was prepared by: Christopher Musial, Esq. **No Title Examination Performed by Preparer**
Brief description for the Index: Deed Book 4094 at Page 431 Buncombe County Registry

THIS DEED made this 18 day of March, 2021, by and between

GRANTOR

ROBERT DAVID BRANK, a single man

Mailing address:

9 Pleasant Grove Rd.
Weaverville NC 28787

GRANTEE

DARRELL BRUCE BRANK

Mailing address:

9 Pleasant Grove Rd.
Weaverville NC 28787

Enter in appropriate block for each Grantor and Grantee: name, mailing 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 Town of Weaverville, County of Buncombe, North Carolina and more particularly described as follows:

See attached Exhibit "A"

This instrument was prepared by Christopher Musial, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the County Tax Collector upon disbursement of closing proceeds.

The property hereinabove described was acquired by Grantor by instrument recorded in *Book 4094 at Page 431*, Buncombe County, NC Registry.

NC Bar Assoc **submitted electronically by "Musial Law Firm PLLC"**
Printed by Ag **in compliance with North Carolina statutes governing recordable documents**
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

All or a portion of the property herein conveyed _____ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in *Plat Book* _____, *Page* _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

Robert David Brank (SEAL)
Robert David Brank

State of NORTH CAROLINA - County of Buncombe

I, the undersigned Notary Public of the County of Buncombe, State of NORTH CAROLINA, do hereby certify that **Robert David Brank** personally appeared before me, the said named to me known and known to me to be the persons described in and who executed the foregoing instrument, and they acknowledged that they executed the same, and being duly sworn by me, made oath that the statements in the foregoing instrument are true.

Witness my hand and Notarial stamp or seal this 18th day of March, 2021.

My Commission Expires: 3/16/2025

Christopher R Musial
Notary Public

Christopher R Musial
Notary's Typed or Printed Name

(Affix Seal)

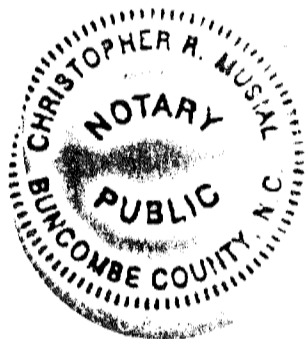


Exhibit "A"

BEGINNING at a stake in the Southern margin of Reems Creek Road at its intersection with the Westerly boundary line of the Paul F. Brank lands described in Deed recorded in the Buncombe County Register's Office in Deed Book 759, at Page 631; thence leaving said road, and running along and with the Westerly line of the said Paul F. Brank lands, a Southern direction with his line to a point in the Northerly line of the Robert David Brank lands, said stake being also known as the Southwestern corner of Lot 5 shown on Plat Book 22 at Page 19, said Register's Office; thence with the Northerly line of the Robert David Brank lands as described in Deed Book 957, at Page 266, said Register's Office and along and with the center of Reems Creek, to a stake in the center of said creek at the Southeast corner of the William A. Nelson lands described in Deed Book 1243, at Page 167, said Register's Office; thence leaving said creek and passing through a large maple, North 15 deg. 56 min. East to a stake in the Southerly margin of Reems Creek Road; thence with the Southerly margin of Reems Creek Road, a straight course to the **BEGINNING**.

The Grantor herein acquired this property by deed of record in **Deed Book 4094, at Page 431**, Buncombe County Registry.