

FY2009 –  
Petition #: 2009-042  
  
Date Originally Filed: 3/23/09  
  
Date Amended: \_\_\_\_\_  
  
Received By: \_\_\_\_\_

**-AMENDED**  
**REZONING APPLICATION**  
**CITY OF CHARLOTTE**

**Complete all fields –**

Property Owner: Bank of America (Corporate Real Estate Assessments)

Owner's Address: 101 N. Tryon Street, NC-001-03-81 City, State, Zip: Charlotte, NC 28255

Date Property Acquired: 10/22/08 Utilities Provided: (Water) CMUD (Sewer) CMUD  
(CMUD, Private, Other) (CMUD, Private, Other)

**LOCATION OF PROPERTY** (Address or Description): 239 W. Mallard Creek Church Road

Tax Parcel Number(s): 047-44-102

Current Land Use: Vacant

Size (Sq.Ft. or Acres): +/- 24 acres

Existing Zoning: CC Proposed Zoning: MUDD-O and Five (5) year vesting

**AMENDED REQUEST DETAILS:**

- Purposes: 1) Original Request 2) Amendment/Change:  
1) To create a high quality transit oriented office development.  
2) Requesting 5 year vesting per zoning regulations per section 1.110.

Jeff Brown; Keith MacVean; Bambi Lohr  
**Name of Agent**  
King & Spalding  
227 West Trade Street, Suite 600  
**Agent's Address**

Charlotte, NC 28202  
**City, State, Zip**  
704-503-2564 (JB);  
704-503-2637 (KM); 704-503-2574 (BL)  
**Telephone Number** **Fax Number**  
jbrown@kslaw.com  
kmacvean@kslaw.com; blohr@kslaw.com

**E-Mail Address**

**Signature of Property Owner if other than Petitioner**

**(Name Typed/Printed)**

Lincoln Harris, LLC (Att: Trey Dempsey)  
**Name of Petitioner(s)**

4201 Congress Street, Suite 175  
**Address of Petitioner(s)**

Charlotte, NC 28209  
**City, State, Zip**

704-714-7600 704-716-8600  
**Telephone Number** **Fax Number**

tdempsey@lincolnharris.com

**E-Mail Address**

See Attached Exhibit A

**Signature**

See Attached Exhibit A

**(Name Typed/Printed)**

LINCOLN HARRIS, LLC/WEST MALLARD CREEK CHURCH ROAD  
SIGNATURE OF PETITIONER  
ATTACHMENT A

PETITIONER:  
Lincoln Harris, LLC

By: *LH*  
Name: Lawrence H. Dempsey III  
Title: Vice President

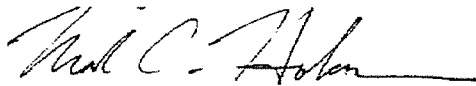
**ATTACHMENT  
REZONING PETITION NO. 2009-042,  
LINCOLN HARRIS  
WEST MALLARD CREEK CHURCH ROAD**

**PETITIONER JOINDER AGREEMENT**

The undersigned, as the owner of that parcel of land located on 239 West Mallard Creek Church Road in the City of Charlotte, Mecklenburg County, North Carolina that is designated as Tax Parcel No. 047-44-102 on the Mecklenburg County Tax Map and which is the subject of the attached Rezoning Application (the "Parcel"), hereby joins in this Rezoning Application and consents to the change in zoning for the Parcel from the CC zoning district to the MUDD-O zoning district as more particularly depicted on the related conditional rezoning plan, and to subsequent changes to the rezoning plan as part of this rezoning application.

This 22<sup>nd</sup> day of May, 2009.

BANK OF AMERICA

By:   
Name: Mark C. Holoman  
Title: SVP