

Legal Description of Pavilion TK - Camfield Corners, LLC Parcel at Camfield Corners

Lying and being situated in Charlotte, Mecklenburg County, North Carolina, and being a portion of Tract 1 as shown on plat thereof recorded in Map Book 26 at Page 13 in the Mecklenburg County Public Registry, and being more particularly described below:

Commencing at the Point of Beginning (P.O.B.) as indicated on said above referenced plat, thence N 60°31'43" W a distance of 254.71 feet to a rebar, thence S 10°58'17" W a distance of 63.07 feet to a rebar, thence N 78°58'45" W a distance of 297.69 feet to a rebar, thence N 09°28'53" E a distance of 163.95 feet to a rebar, thence S 60°27'18" E a distance of 36.79 feet to a rebar, thence N 64°25'03" E a distance of 307.34 feet to a rebar, thence S 25°33'13" E a distance of 225.05 feet to a rebar, thence S 25°34'49" E a distance of 214.58 feet to the P.O.B., containing 2.329 acres, as indicated on a subdivision Plat for Pavilion TK-Camfield Corners, LLC, dated 01-18-02, and revised 05-22-02, job number 350043.041.1.0002.

CAMFIELD CORNERS ADDITION
Charlotte, North Carolina
Petition #95-50 (C)

SITE PLAN NOTES

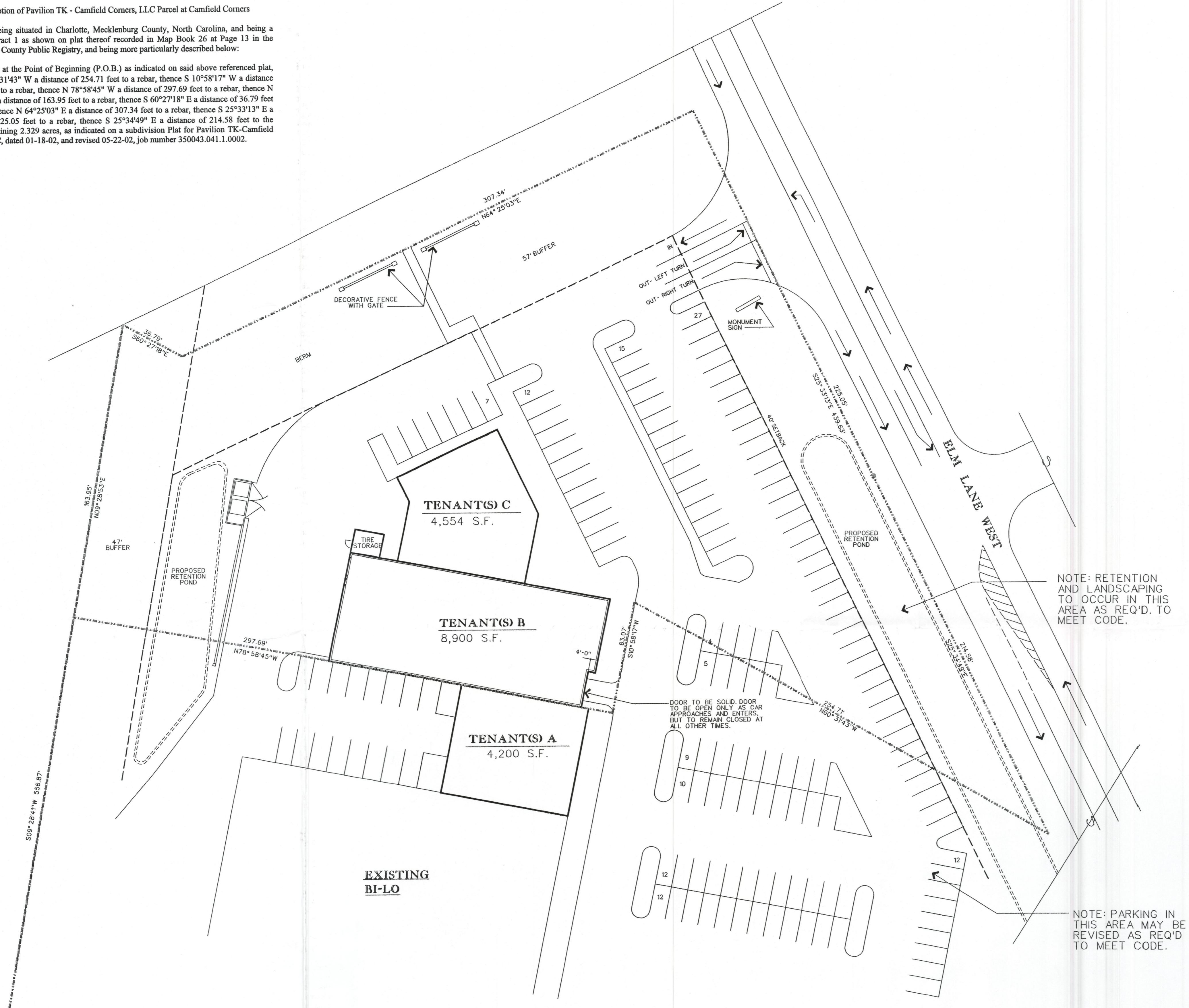
- The tenant indicated as 8,900 square feet is proposed to be a tire sales and service center. However, it may be any use approved by zoning classification.
- Other tenant uses shall be as allowed by zoning.
- The total square footage of the addition to the project shall not exceed the allowable square footage for the total site under the approved B-1 (CD) Zoning. (17,720 sf of additional sf allowed - 70,000 allowed for entire shopping center.)
- Certificate of Occupancy for Tenant B will not be issued prior to Certificate of Occupancy for the shell space at Tenant A (which includes walls and roof).

ZONING NOTES

- The tenant indicated as 8,900 sf is proposed to be a tire sales and service center, and this shall be the only tenant location where a tire sales and service center may be located. However, it may be any use approved by the zoning classification.
- In the event the tenant indicated as 8,900 sf is a tire sales and service center, the construction, use and operation of the space for that purpose shall be subject to the following:
 - The center shall be an enclosed bay design, i.e., it shall be completely enclosed with one point of vehicular entry on the west end of the building and one vehicular exit on the east end of the building with all service bays on the interior.
 - The interior walls at the entrance and exit of the building shall include sound absorbent material.
 - The exterior walls of the building shall be consistent with and of similar design to the existing architecture of Camfield Corners and all wall signage shall be similar in size, location and design as other signage in Camfield Corners and shall meet the requirement of the Zoning Ordinance. Roadway signs shall be allowed by the rezoning document RZ-1 (dated September 1, 1995) and the Ordinance.
 - All new tires shall be stored inside the center.
 - Any exterior used tire storage shall be in the area designated "tire storage" which shall be enclosed by a gated fence or walls. The used tire storage area shall not be larger than three hundred (300) square feet and shall have a roof.
 - No structure shall be allowed outside the building envelope indicated.
 - A permanent sound absorbent wooden fence not less than fifty feet (50') in length shall be constructed as shown between the center and the retention pond at a height of twelve feet (12') with staggered vertical slats on both faces (staggered joints) and with landscaping on the western side of the fence.
 - All service work and tire replacement with the exception of used tire storage as permitted in these notes shall occur inside the center.
 - Any lease covering the space occupied in the center will prohibit activity inconsistent with these notes and shall provide that the residents of the Village of Troon and Southgate Commons shall be third-party beneficiaries to the lease provisions.

This note no. 2(i) is the result of a dismissal to be taken in Southgate Commons Homeowners Association v. City of Charlotte, et al (00-CVS-13235). The interpretation and enforcement of this note is solely between the petitioner and any successors or interest and the residents of the Village of Troon and Southgate Commons. The interpretation and enforcement of this note does not pertain in any way to the City of Charlotte, the Zoning Administrator, or City's Zoning Board of Adjustment.

- Tenant uses indicated as 4,200 sf and 4,554 sf shall be allowed by zoning classification subject to the following:
 - The exterior walls and roof of Tenants A, B and C shall be consistent with and of similar design to the existing architecture of Camfield Corners and all wall signage shall be similar in size, location and design as other signage in Camfield Corners.
 - No structure shall be allowed outside the building envelopes indicated and all structures will be attached.
- Sidewalks at a width of five feet (5') and curb and gutter shall be installed for the entire length of Elm Lane, an approximate distance of four hundred twenty feet (420') and shall connect the existing sidewalk in front of the Shopping Center to the existing sidewalk in front of Parcel II. This must be in conformance with the notes on Sheet RZ-1 (dated September 1, 1995) and the Ordinance.
- Before construction of improvements on the property commences, the following plantings and improvements in the berm and buffer areas shall be completed so as to provide a buffer during the construction period and thereafter.
 - 47' Western Buffer (Southgate Commons). Twenty-Six (26) Cryptomeria trees, a minimum of eight to ten feet (8'-10") in height shall be planted along the fence line at intervals of not more than ten feet (10') so as to screen the rear of the structures.
 - 57' Northwestern Buffer (Village at Troon). Thirteen (13) Willow Oaks (2" caliper minimum), twenty-six (26) standard Burford Hollies (7 gallon minimum) and twenty-five (25) Osmanthus (7 gallon minimum) will be planted on the berm from the end of the fence to the pedestrian walkway. The current posts and structures surrounding the pedestrian walkway shall be removed and a six foot (6') black aluminum fence and gate (4'-5' width minimum) to match will be installed in or across the area between the two (2) berms connecting the ridge of each berm on each side of the pedestrian walkway. Nine (9) Willow Oaks (2" caliper minimum), eighteen (18) standard Burford Hollies (7 gallon minimum), and seventeen (17) Osmanthus (7 gallon minimum) will be planted on the berm extending from the pedestrian walkway to Elm Lane.
- Pavilion TK - Camfield Corners, LLC, its successors and assigns, shall keep the property in good condition, including the regular maintenance of all landscape plantings, trees, shrubs, grass and lawn areas, consistent with the landscaping of the center, with a full stand of grass, trimmed, edged, fertilizer, and re-seeding of grass areas as needed; repair and maintenance of underground irrigation systems (if any); replacement of dead shrubbery, plants and trees, and other activities as shall be necessary to maintain the landscaping.
- Pedestrian sidewalks and crosswalks shall be built for pedestrian traffic to the Bi-Lo.
- The total square footage of the addition to the project shall not exceed the allowable square footage allowed for the total site pursuant to the approved B-1 (CD) Zoning (17,720 sf of additional sf allowed).
- The Landscape notes above notwithstanding, the requirements for a Class B Buffer must be provided as defined in the Ordinance.
- The foregoing notes are the product of a negotiated resolution of issues raised in Rezoning Petition 95-50, and OOCVS 13735 and OOCVS 12365 in the Superior Court for Mecklenburg County. It is understood and agreed that the consummation of the settlement of the referenced cases and acceptance and approval of the conditions contained herein are specifically conditioned upon Pavilion TK-Camfield Corners, LLC, a North Carolina Limited Liability Company, its successors and assigns acquiring the property shown hereon from Elm Lane Associates.



1 SITE PLAN
SP1 SCALE: 1" = 30'-0"



ATTACHED TO ADMINISTRATIVE AP
DATED: January 2, 2003
BY: MARTIN H. CRAMTON, JR.

APPROVED *[Signature]*
APPROVED *[Signature]* PRESIDENT, SOUTHGATE COMMONS
APPROVED *[Signature]* PRESIDENT, TROON
APPROVED *[Signature]* CMPC

CHILDREY ROBINSON ASSOCIATES ARCHITECTURE
 2812 KENILWORTH AVENUE
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 (704) 592-0000
 TIRE KINGDOM
 CAMFIELD CORNERS
 CHARLOTTE, NORTH CAROLINA
 PAVILION DEVELOPMENT CO.
 CHARLOTTE, NORTH CAROLINA
 REVISIONS
 REV. 11-28-02
 REVISE FOR PERMIT
 REV. 2-3-14-02
 BI-LO COMMENTS
 REV. 5-7-02
 BI-LO COMMENTS
 REV. 4-7-02
 BI-LO COMMENTS
 DATE
 11-14-01
 JUL 31 2002
 PHASE 2
 SITE PLAN
 SP-1