

**ADDENDUM (THE “ADDENDUM”) TO RESOLUTION OF THE TOWN OF STEM
BOARD OF COMMISSIONERS
MODIFYING THE SPECIAL USE PERMIT ISSUED BY THE GRANVILLE
COUNTY BOARD OF COMMISSIONERS IN CASE #SU-4-2005 ON FEBRUARY 20,
2006**

FOR THE MANGUM FARMS, PLANNED UNIT DEVELOPMENT

A. Purpose of Addendum

WHEREAS, on August 3, 2020, the Town of Stem Board of Commissioners (“Town Board”) resolved to modify, and did so modify, the requirements and obligations of developer pursuant to the Mangum Farms Phase 2 plan, among other matters, by modifying that certain Special Use Permit #SU-4-2005 (as so modified, and as may have been modified previously or may be in the future, the “Special Use Permit”); and

WHEREAS, the Town Board wishes to provide additional updates and explanations relating to certain of the rights and obligations of developer with respect to the Mangum Farms Phase 2 plan and the Special Use Permit.

NOW THEREFORE, the Town Board has voted upon, and approved, the following Addendum to so update and explain matters relating to the Special Use Permit.

B. Recordation of Subdivision Plat; Timing

Notwithstanding any previously stated or required sunset provisions or outside dates, as a result of the labor and supply interruptions and delays caused by the Covid-19 epidemic and responses thereto, the outside period provided for recordation of the subdivision plat (or plats) relating to the Mangum Farms Phase 2 plans shall be extended by two (2) additional years, and shall expire on August 3, 2025.

C. Construction of Pedestrian Trails; Access for TRLC

The pedestrian trails (as required pursuant to the Special Use Permit, as previously modified) within Mangum Farms Phase 2 shall be constructed and connected to the neighboring property currently owned by Tar River Land Conservancy (“TRLC”) during the vertical phase of construction in connection with the Mangum Farms Phase 2 plan, and not before. Completion of the pedestrian trails (and their ultimate dedication for public use in accordance with the requirements of the Special Use Permit) shall occur no later than, and as a condition to the issuance of, the one hundred twenty-sixth (126th) home building permit within Mangum Farms Phase 2; *provided, however*, in the event that such issuance of the one hundred twenty-sixth (126th) home building permit within Mangum Farms Phase 2 has not occurred on or prior to the fifth (5th) anniversary of the effective date of the below mentioned written agreement between TRLC and Developer (as defined below), upon the reasonable written request of the Town Board, Developer shall post a performance bond (in the amount of 125% of the estimated cost of completion of the pedestrian trails, as determined by a certified engineer selected by Developer and reasonably approved by the Town Board). Maintenance of the pedestrian trails shall be undertaken by the homeowners association in charge of governance of Mangum Farms Phase 2 in accordance with

the terms of the to be recorded declaration documents associated therewith. Further, and as agreed by TRLC and Mangum Farms NC, LLC, a Delaware limited liability company (as current owner and developer of the Mangum Farms Phase 2 property) (together with its successors and/or assigns, "Developer"), due to safety and site impact concerns, and subject to exceptions for certain necessary pedestrian access rights, TRLC shall suspend its use of its access easements across the existing easement area to the TRLC property, as granted pursuant the Deed of Easement dated December 21, 2016, during the horizontal construction phase of Mangum Farms Phase 2 (notice of which horizontal construction has been agreed by Developer to be given to TRLC, prior to its commencement), as reflected pursuant to separate agreement between TRLC and Developer (a memorandum of which shall be recorded in the Granville County Register of Deeds records). During the horizontal phase of construction, Developer shall complete the "street stub-out" to the southern boundary of the Mangum Farms Phase 2 property, where it connects to the TRLC property. Following completion of such "street stub-out," access shall be granted to TRLC over and across such street to reach its property. It is anticipated that the "street stub-out" will utilize the Street Stub-Out Design, as referenced in the agreement between TRLC and Developer.

D. Nitrogen Credits and Nutrient Offset Payments

It shall be a requirement that, prior to October 31, 2023, Developer pay the following in connection with its development of Mangum Farms Phase 2: (a) an invoice for purchase of certain nitrogen credits (1,445.97 units), payable to Environmental Banc & Exchange, LLC (or its successors and/or assigns) in connection with the Upper Neuse Riparian & Buffer Bank, Cedar Grove Bank Parcel (Mangum Farms Subdivision), Project ID PRJ100121, and (b) a nitrogen offset payment invoice relating to the purchase of 296.2 pounds of phosphorus credits and payable into the North Carolina Division of Mitigation Services in connection with the Neuse – Upper Falls service area.

E. Recordation of Addendum

A copy of this Addendum shall be filed in the Granville County Register of Deeds office within sixty (60) days of the date of approval.

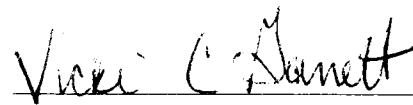
WHEREAS, the foregoing Addendum was put to a vote of the Town Board on motion of Commissioner Paulus, seconded by Commissioner Eola, the result of which vote was as follows:

Ayes 3

Noes

Absent/excused

Dated 9/18 , 20 23



Town Clerk