RECORDING REQUEST BY

CITY OF ELIZABETH CITY

RETURN TO: Attention Access Grant Administrator

 NC Department of Coastal Management

 400 Commerce Ave

 Morehead City, NC 28557

NOTICE OF LIMITATIONS OF USE AND RESTRICTIONS

Site Address:

Tax Parcel No.

Property Owner:

Whereas Property Owner is the present owner of certain real property located in the County of Pasquotank, State of North Carolina, more particularly described in the current deed attached to and made a part hereof; and

Whereas, the Property Owner accepted grant funds for property acquisition in the amount of $260,157 from the North Carolina Public Beach and Coastal Waterfront Access Program under contract 5830 as awarded by the North Carolina Department of Environmental Quality and administered by the Division of Coastal Management; and

Whereas Attachment B of contract 5830 between the North Carolina Department of Environmental Quality and the City of Elizabeth City requires filing in the office of the local Register of Deeds a Notice of Limitation of Use and Restrictions which sets forth the land-use restrictions contained in the grant award contract as follows:

The property will be retained and used for public access.

The use of property may not be changed from the approved use unless approval is obtained from the North Carolina Department of Environmental Quality/Division of Coastal Management.

The Property Owner may impose reasonable limits on the type and extent of use of areas and facilities when such limitation is necessary for maintenance or preservation of the property.

Local governments with public access sites funded by the Division of Coastal Management pursuant to G.S. 113A-134.3 may charge user fees as long as those fees are used exclusively for the operation, maintenance, and enhancement of existing public access sites, including trash removal, law enforcement and public safety, beach nourishment projects or the provision of new public access sites through acquisition or easement.

Future improvements, modifications, or changes to the property will be subject to review and approval by the North Carolina Department of Environmental Quality/Division of Coastal Management. Unapproved changes may or can result in required repayment of granted funds.

If the local government uses the property for a purpose other than beach or coastal waters access or elects to sell or otherwise dispose of the property, the local government shall reimburse the State an amount that is the greater of (i) the amount of Program grant funds provided to purchase the property or (ii) an amount equal to the same proportion of the current market value of the property as the proportion of the original purchase price of the property funded with Program grant funds.

This instrument is the deed restriction recorded in compliance with Attachment B of contract 5830 between the North Carolina Department of Environmental Quality and the City of Elizabeth City.

1. Agreement to Comply with Restrictions: In satisfaction of the above-referenced conditions, Property Owner hereby accepts the obligation to notice future buyer(s) of all conditions that apply to use of this property.
2. Rights Appurtenant: This declaration is intended to be a covenant running with the land and shall bind and inure to the benefit of the heirs, personal representatives, successors and assigns of each present and future owner of the real property described herein.

Property Owner declares under penalty of perjury that these restrictions will be adhered to and he (she) (they) has executed this *Notice of Limitations of Use and Restrictions*.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Signed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Sign as appears on deed

STATE OF NORTH CAROLINA

COUNTY OF PASQUOTANK

On\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, before me,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, a Notary Public, State of North Carolina, duly commissioned and sworn, personally appeared:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Property Owner as appears on deed

Personally know to me or proved to me on the basis of satisfactory evidence to by 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(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

 Signed by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public, State of North Carolina