

NORTH CAROLINA
DURHAM COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
85 CVS 03108

TOWN OF CHAPEL HILL,
Plaintiff,

v.

CITY OF DURHAM,
Defendant.

**SECOND MODIFICATION OF
AMENDED CONSENT JUDGMENT**

This cause coming on to be heard and being heard before the undersigned Judge Presiding, and it appearing to the Court that the Parties wish to modify the consent judgment entered in this matter on November 6, 1986 (the "Judgment"), and the Amendment of the Judgment entered in this matter on August 19, 1994 ("Amended Judgment") by making further modifications to the line defining the parties' areas of potential future annexation as set out in Exhibit D to the Judgment and Exhibit C to the Amended Judgment, while ratifying and confirming the Judgment and the Amended Judgment in all respects except as specifically modified by this order; and it further appearing to the Court that the Chapel Hill Town Council and the Durham City Council have adopted resolutions authorizing the amendment of the Judgment and Amended Judgment in accordance with the terms of this order, copies of which are attached hereto as Exhibits A and B;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by consent of the parties, as follows:

1. That the line defined in Exhibit D to the Judgment and Exhibit C to the Amended Judgment is modified as set out in Exhibit C attached hereto and incorporated herein by reference.
2. That absent an agreement by the Parties, the Town of Chapel Hill will not extend its corporate limits, now generally located west and south of the line described in Exhibit C, to the east and north of that line, and the City of Durham will not extend its corporate limits, now generally located east and north of that line, to the west and south of that line.
3. Without the prior agreement of the parties, neither party will
 - a. Accept or process any petition for annexation of any land on the opposite side of the line defined in Exhibit C;
 - b. Initiate or process any unilateral annexation of any land on the opposite side of the line defined in Exhibit C;
 - c. Take another other steps to annex any land on the opposite side of the line defined in Exhibit C.



4. Except as specifically modified by this order, the parties ratify and confirm the Judgement of November 6, 1986, as amended by the Amended Judgement of August 19, 1994, in its entirety.

Judge Presiding

CONSENTED TO:

Attorney for Town of Chapel Hill

Town Manager, Town of Chapel Hill

Attorney for City of Durham

City Manager, City of Durham

Exhibit C To Amendment
To Consent Order

BEGINNING at a point on the Orange-Durham County line where the line intersects the southern right of way of Cornwallis Road; running thence along the Orange-Durham County line in a southerly direction to the intersection of the Orange-Durham County line and and the southern line of Mt. Sinai Church Road, a point in the northern line of the property of Advocare, Inc. as described in Deed Book 1006, Page 160, Orange County Registry, thence along the northern line of the property of Advocare, Inc. to its northwestern corner; thence along the western line of said property, South 12 degs. 15' West 336 feet to Advocare, Inc.'s southwest corner, thence along Advocare's southern line to its intersection with the Orange-Durham County line, Thence continuing in a generally southern direction with the Orange-Durham County line South 08°03'45" West 9,037 to a point in northern property line of William Allen McFarland and Barbara Dawn McFarland property Deed Book 392, Page 130 Plat Book 73, Page 50 Durham County Registry, thence leaving said county line and with said property line and crossing the eastern right of way of Mount Moriah Road (SR 1791)(60' R/W) South 80°35'08" West approximately 895' to a point on the western right Mount Moriah Road (SR 1791)(60' R/W), thence with said right of way South 27°05'23" East 322.42' to a point, thence South 26°08'38" East 85.00 to an existing iron pipe, said pipe being the southeast corner of Joseph E. Herrin property Deed Book 1988, Page 579 Plat Book 24, Page 175 Orange County Registry, thence with said property line leaving said right of way South 70°30'36" West 214.19' to an existing iron pipe, thence South 84°38'03" West 135.12' to an existing iron pipe, thence North 14°47'24" West 170 56' to an existing iron pipe in the southern property line of Mark Heizer Deed Book 1278, Page 532 Plat Book 29, Page 101 Orange County Registry, thence with said property line South 77°00'32" West 405.27' to an existing rebar, thence North 14°45'27" West 162.09' to an existing rebar in the southern property line of MRED, LLC. property Deed Book 6629, Page 163 Plat Book 26, Page 74 Orange County Registry, thence South 75°45'55" West 1,042.33' to an existing iron pipe, said iron pipe being the southwest of John C. Carroll and wife Deborah W. Carroll property Deed Book 1178, Page 199 and being Lot 2 Plat Book 45, Page 196 in the western property line of Nanie M. Carroll property Will Book 11-E-296 and Deed Book 468, Page 541 Orange County Registry, thence with said property line South 01°36'19" West 34.59' to an existing iron pipe, thence South 03°48'53" West 504.42' to a rebar. The southeast corner of Jessica Ashley Carroll Whitted property Deed Book 5396, Page 530 Lot 1 Plat Book 39, Page 62 Tract

2 Plat Book 14, Page 66 Orange County Registry, thence with said property line North 82°29'04" West 1250.39' to a rebar on the eastern right of way of Erwin Road (SR 1734) Variable right of way, thence with said right of way South 12°40'02" West 32.83' to a point, thence South 13°35'23" West 53.16' to a point, thence South 14°51'05" West 51.51' to a point, thence South 15°35'34" West 52.05' to a point, thence South 16°04'16" West 10.94 to an existing rebar, said rebar being the northwest corner of The Town of Chapel Hill Property Deed Book 2987, Page 284 Orange County Registry, thence with said property line leaving said right of way South 82°24'13" East 1,287.47' to an existing concrete monument in the western property line of Nannie Mae Carroll, William Richard Carroll, David Alan Carroll, Brandon Scott Mcleod executor of the estate of Gina Lynn Carroll, Lucille C. Carroll, Cynthia B. McKenzie, Trustee of the Cynthia B. Mckenzie revocable trust, Joseph Scott Daniels and Kristi Deed Book Deed Book 6707, Page 266, Deed Book 6707, Page 1934, Deed Book 1864, Page 520 Orange County Registry, thence with said property line South 06°31'48" West 659.41' to an existing concrete monument, said monument being the northeast corner of Margaret Carroll Hall and John William Hall, Jr. property Deed Book 2291, Page 332 and Lot 1 Plat Book 88, Page 63 Orange County Registry, thence with said property line South 06°46'25" West 83.75' to an existing concrete monument, thence South 01°45'42" East 422.95' to an existing right of way monument on the northern right of way of Interstate Highway No. 40 (Variable right of way), thence with said right of way South 51°51'18" East 451.98' to an existing rebar, said rebar being the westernmost corner of The Town Of Chapel Hill Deed Book 2148, Page 271 Orange County Registry, thence leaving said right of way and with The Town of Chapel Hill's property line South 88°42'17" East 1,472.73' to an existing concrete monument in the western property line of the City of Durham Deed Book 1361, Page 352 Lot 1-C Plat Book 74, Page 23 Orange County Registry, Thence with said property line North 00°13'14" East 260.93' to an existing axle, said axle being the southwest corner of Willian Allen McFarland and Barbara Dawn McFarland property Deed Book 404, Page 144 Orange County Registry, thence with said property line North 78°21'30" East approximately 476' to a point in the Orange-Durham County line, thence continuing in a generally southerly direction with said line approximately South 08°03'45" West 3,160' to the intersection of the Orange-Durham County line in the southern right of way of I-40; thence along the southern right of way of I-40 in a southeasterly direction approximately 2,800 feet to the intersection of the southern right of way of I-40 and the western right-of-way of Pope Road; thence along the western right of way of Pope Road and the northern right of way of Ephesus Church Road in a southerly direction approximately 6,000 feet to a point in the northern right-of-way of Ephesus Church Road, said point being a projection of the eastern property line of tract 2 of the DuBose property as shown on the plat "Survey of David St. Pierre DuBose, Jr." dated February 12, 1986, Durham County Plat Book 110, Page 159; thence across Ephesus Church Road south 1 deg. 8' 10" West approximately 60 feet to a point in the southern right of way of Ephesus Church Road, the northeast corner of the said DuBose tract; thence along said property line South 1 deg. 8' 10" West 1,028.19 feet to a concrete

monument (N.C.G.S. 792.453.51; 1.999.494.93) located in the...
northern line of Lot 13, Block A, Oaks III Subdivision according to
the plat recorded at Plat Book 117, Page 116, Durham County
Registry; along the northern lines of Lot 13, Block A Oaks III and
→ Lots 15 and 16, Block A, Oaks III according to Plat Book 115, Page
147, Durham County Registry North 88 degs. 3' 31" East 457.4 feet
to the northeast corner of Lot 16, Block B, Oaks III; thence
running with the eastern line of Lot 16, Block B Oaks III along the
arc of a curve having a chord bearing of South 5 degs. 59' 28" East
306.28 feet to a point in the eastern line of Lot 1, Block B, Oaks
III according to the Plat Book 115, Page 147, Durham County
Registry; thence along the eastern line of Lot 1, South 10 degs. 1'
45" East 103.77 feet to the northeastern corner of Lot 3, Block B,
Oaks III Subdivision; thence along the arc of a curve having a
chord bearing of South 5 degs. 22' 14" East a distance of 291.21
feet to a point in the eastern line of Lot 4, Oaks III Subdivision;
thence South 00 degs. 42' 43" East 46.48 feet to a point, the
southeastern corner of Lot 4, Block B, Oaks III, the northwest
corner of the Specia Moore, Sr. lot; thence along DuBose's eastern
property line South 00 degs. 46' 54" East 313.74 feet, South 00
degs. 34' 56" East 520.39 feet, and South 00 degs. 38' 45" East
345.34 feet to an iron pin, the southwest corner of the Elvie King
lot; thence along the western property line of a 16.68 acre tract
as shown on Durham County Plat Book 28, Page 2 South 02 degs. 53'
West 990.8 feet to the southwest corner of said 16.68 acre tract;
thence continuing along the western property line of a 29.61 acre
tract, Deed Book 127, Page 174, in a southerly direction
approximately 1750 feet to a point on the B. Everett Jordan Dam and
Lake Project, as shown on the U.S. Army Corps of Engineers Project
Map, Segment "19", said point being located between stations 760
and 761; thence along the B. Everett Jordan Project western
property line South 83 degs. 36' 04.9" West approximately 550 feet
to a monument, station 760; thence South 30 degs. 01' 55" West
541.81 feet to a monument, station 733; thence continuing from
station 733 to station 725 the following bearings and distances:
South 48 degs. 59' 30.7" East 688.205 feet, South 42 degs. 04'
46.9" West 571.726 feet, South 14 degs. 03' 02.1" West 754.229
feet, South 20 degs. 41' 18.4" West 719.949 feet, South 43 degs.
14' 14.7" West 638.742 feet, South 70 degs. 55' 24.2" East
1,124.828 feet, South 47 degs. 23' 20.1" East 385.243 feet, South
87 degs. 51' 49.7" East 464.031 feet; thence continuing with said
property line in a southwesterly direction to the northern right-
of-way of N.C. 54; thence along the northern right-of-way line of
N.C. 54 in a westerly direction to a point on said right-of-way,
said point being a projection of the eastern property line of
Sherwood Forest Subdivision as shown on Durham County Plat Book 30,
Page 49; thence across N.C. 54 to a point on the southern right-of-
way, the northeast corner of said subdivision; thence along the
eastern property line of said subdivision South 02 degs. 45' West
approximately 579 feet; thence along said line South 06 degs. 18'
West approximately 788 feet to the southeast corner of said
subdivision; thence along the southern property line of said
subdivision South 78 degs. 43' West approximately 389 feet to the
southwest corner of Sherwood Forest Subdivision; thence continuing
in a westerly direction along the southern property line of Lots
28, 12, 23 and 24, Block 5, Durham County Tax Map 491 approximately
1650 feet to a point on the eastern right-of-way of Barbee Chapel

Road; thence along the eastern right-of-way of Barbee Chapel Road in a southeasterly direction approximately 2100 feet to a point on the northeastern right-of-way, said point being a projection of eastern property line of the University of North Carolina Mason Farm property; thence across Barbee Chapel Road South 01 degs. 55" East approximately 70 feet to the southwestern right-of-way of said road, the northeast corner of the University of North Carolina Mason Farm property; thence along said eastern property line South 01 degs. 55' East 2036.72 feet to the southeast corner of said property; thence along the southern property line of said property South 88 degs. 20' West approximately 790 feet to a point where the Mason Farm property line intersects the property line of the B. Everett Jordan Dam and Lake Project, as shown on the U.S. Army Corps of Engineers Project Map, segment "18"; thence along said property line South 18 degs. 13' 51.9" East approximately 35 feet to station 593; thence continuing from station 593 to station 612 the following bearings and distances: South 25 degs. 13' 20.5" West 628.157 feet, South 25 degs. 37' 16.4" East 861.188 feet, South 24 degs 05' 45.5" West 1760.320 feet, South 08 degs. 51' 38.4" West 1094.710 feet, South 85 degs. 59' 59.6" East 474.352 feet, South 61 degs. 23' 46.3" West 993.702 feet, South 17 degs. 13' 41.0" West 377.241 feet, South 73 degs. 55' 29.3" East 264.451 feet, South 01 degs. 09' 49.3" East 688.853 feet, South 47 degs. 08' 23.7" West 410.232 feet, South 70 degs. 00' 43.3" East 398.486 feet, North 46 degs. 10' 16.2" East 423.521 feet, South 02 degs. 16' 57.8" West 1101.648 feet, South 56 degs. 36' 55.4" East 652.068 feet, South 00 degs. 37' 35.9" West 233.201 feet, North 69 degs. 12' 24.0" East 1315.976 feet, North 48 degs. 27' 28.7" East 673.841 feet, South 03 degs. 17' 26.7" East 409.549 feet, South 38 degs. 41' 45.9" West 1041.911 feet; thence continuing with said property line South 16 degs. 35' 17.7" East approximately 600 feet to a point where the B. Everett Jordan Lake property line intersects the Durham-Chatham County line, said point being located approximately 4900 feet east of the southeast corner of Orange County.