



FOR REGISTRATION REGISTER OF DEEDS  
Willie L. Covington  
DURHAM COUNTY, NC  
2009 JUN 09 02:56:06 PM  
BK:6242 PG:111-115 FEE:\$23.00

INSTRUMENT # 2009019793

Prepared by SZ Rosenthal, Atty. Return after recording to City of Durham, Real Estate Div, 101 City Hall Plaza, Durham, NC 27701.

**NORTH CAROLINA - DURHAM COUNTY**

**DEED**

This Deed, made and entered into this the 15<sup>th</sup> day of May, 2009, by and between CITY OF DURHAM ("City") and Development Ventures Incorporated ("Grantee"), 330 East Main Street, Durham, North Carolina 27701;

For valuable consideration of Five Thousand and No Dollars AND NO/100 (\$5,000.00) to the City in hand paid, the receipt of which is hereby acknowledged, City has given, granted, bargained and sold and does by these presents, give, grant, bargain, sell and convey unto Grantees, and their heirs, successors, and assigns, the following parcel(s) of land, lying and being in said County and State, described as follows:

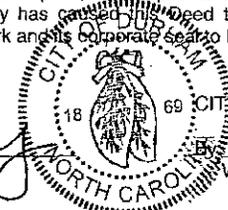
Five parcels, commonly known by their street addresses as 1406 Morning Glory Avenue, 1408 Morning Glory Avenue, 1504 Morning Glory Avenue, 115 N. Goley Street, and 118 N. Blacknall Street, as more particularly described in Exhibit A, which is incorporated by reference as if fully set forth herein, all five of which together constitute the "Property." From these five parcels, three easements are reserved, two being storm drain easements and one being a sanitary sewer easement, also as fully described in Exhibit A.

Grantee covenants that it, and its successors in interest, heirs, assigns, agents, and any entity associated with it or with the Housing Authority of the City of Durham, shall convey the Property, or any portion of it, back to the City of Durham without charge if by three years from the date of this conveyance low- to moderate-income persons are not living on the Property in a facility developed as part of the Housing 400 Initiative, or as part of a project similar to the Housing 400 Initiative meant to benefit the homeless. Grantor City of Durham shall have a right of re-entry to retake title to the Property or any portion of it not utilized in accordance with this covenant. Grantor shall also, in addition to its right of re-entry, have the right to enforce this covenant through any means provided at law or equity.

TO HAVE AND TO HOLD all and singular the aforesaid parcel(s) of land, together with all privileges and appurtenances thereon and thereto belonging unto them, Grantee, and his heirs, successors, and assigns forever in fee simple.

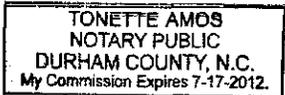
The designation "Grantors" and "City" as used herein shall include said parties, their heirs, successors, and assigns. The plural in this deed shall include the singular unless the context otherwise requires. All books referred to are in the office of the Register of Deeds of Durham County, unless otherwise stated.

The City makes no warranty, express or implied, with respect to said property.  
IN TESTIMONY WHEREOF, the City has caused this Deed to be signed in its name by its Mayor, and attested by its \_\_\_\_\_ City Clerk and its corporate seal to be affixed, all by order of its City Council.

ATTEST: D. Ann Gray  
City Clerk  
  
William V. Bell  
WILLIAM V. BELL, MAYOR

**NORTH CAROLINA - DURHAM COUNTY**  
I, a notary public in and for said county and state, certify that D. Ann Gray personally appeared before me this day, and acknowledged that she is \_\_\_\_\_ City Clerk of the City of Durham, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing Deed was signed in its corporate name by its Mayor, WILLIAM V. BELL, sealed with its corporate seal, and attested by herself as its said City Clerk or Deputy City Clerk. This the 15<sup>th</sup> day of May, 2009.

My commission expires: \_\_\_\_\_  
Tonette Amos  
Notary Public



## Exhibit A

### Property Description

The grant of the five tracts of property described below is subject to the reservation of three easements, as shown in the plat entitled, "Reservation of Easement, City of Durham," recorded in Plat Book 181, Page 361, Durham County Registry, and which reservations are more particularly described in the portion of this Exhibit A entitled, "Reservation of Easements."

#### **Tract 1:**

BEGINNING at a point in the southern right-of-way of Morning Glory Avenue, said point is located South 65 degrees 07 minutes 41 seconds East 95.31 feet from a point where Morning Glory Avenue intersects with N. Blacknall Street; thence from said BEGINNING point along and with Morning Glory Avenue South 65 degrees 07 minutes 41 seconds East 52.50 feet to a point; thence South 23 degrees 58 minutes 19 seconds West 98.88 feet to a point; thence South 23 degrees 58 minutes 19 seconds West 15.00 feet to a point; thence North 66 degrees 31 minutes 41 seconds West 52.50 feet to a point; thence North 23 degrees 58 minutes 19 seconds East 38.50 feet to a point; thence North 23 degrees 58 minutes 19 seconds East 40.00 feet to a point; thence North 23 degrees 58 minutes 19 seconds East 36.66 feet to a point, the point and place of BEGINNING, and containing 0.138 acres more or less and being Lot G as shown on the topographic survey of Few Gardens, Durham, North Carolina, Project No. CBI-02000, Sheet 2 of 3, dated January 16, 2004 prepared by The John R. McAdams Company, Inc. See also the plat entitled "Reservation of Easement, City of Durham," recorded in Plat Book 181, Page 361, Durham County Registry. This property is more commonly known as 1406 Morning Glory Avenue.

#### **Tract 2:**

BEGINNING at a point in the southern right-of-way of Morning Glory Avenue, said point is located South 65 degrees 07 minutes 41 seconds East 147.81 feet from a point where Morning Glory Avenue intersects with N. Blacknall Street; thence from said BEGINNING point along and with Morning Glory Avenue South 65 degrees 07 minutes 41 seconds East 52.80 feet to a point; thence South 23 degrees 58 minutes 19 seconds West 47.59 feet to a point; thence South 23 degrees 58 minutes 19 seconds West 50.00 feet to a point; thence North 66 degrees 31 minutes 41 seconds West 52.80 feet to a point; thence North 23 degrees 58 minutes 19 seconds East 98.88 feet to a point on the southern right-of-way of Morning Glory Avenue, the point and place of BEGINNING, and containing 0.119 acres more or less and being Lot H as shown on the topographic survey of Few Gardens, Durham, North Carolina, Project No. CBI-02000, Sheet 2 of 3, dated January 16, 2004 and revised March 7, 2006, prepared by The John R. McAdams Company, Inc. See also the plat entitled "Reservation of Easement, City of Durham," recorded in Plat Book 181, Page 361, Durham County Registry. This property is more commonly known as 1408 Morning Glory Avenue

#### **Tract 3:**

BEGINNING at a point on the southern line of Morning Glory Avenue, said point is located South 64 degrees 37 minutes 35 seconds East 50.02 feet from the intersection of Morning Glory Avenue and N. Goley Street; thence from said BEGINNING point along and with Morning Glory Avenue South 64 degrees 37 minutes 35 seconds East 50.02 feet to a point; thence South 23 degrees 50 minutes 03 seconds West 187.81 feet to an existing iron pipe; thence North 66 degrees 09 minutes 57 seconds West 50.00 feet to a point; thence North 23 degrees 50 minutes 03 seconds East 64.16 feet to a point; thence North 23 degrees 50 minutes 03 seconds East 125.00 feet to a point on the southern line of Morning Glory Avenue, the point and place of BEGINNING, and containing 0.216 acres more or less and being Lot T as shown on the topographic survey of Few Gardens, Durham, North Carolina, Project No. CBI-02000, Sheet 2 of 3, dated January 16, 2004 and revised March 7, 2006, prepared by The John R. McAdams Company, Inc. This property is more commonly known as 1504 Morning Glory Avenue.

#### **Tract 4:**

BEGINNING at a point in the southern right-of-way of Morning Glory Avenue where Morning Glory Avenue intersects with N. Goley Street; thence along and with N. Goley Street South 23 degrees 58

minutes 19 seconds West 45.26 feet to a point; thence North 66 degrees 31 minutes 41 seconds West 95.00 feet to a point; thence North 23 degrees 58 minutes 19 seconds East 47.59 feet to a point on the southern right-of-way of Morning Glory Avenue; thence along and with said right-of-way South 65 degrees 07 minutes 41 seconds East 95.01 feet to an iron pipe set, the point and place of BEGINNING, and containing 0.101 acres more or less and being Lot I as shown on the topographic survey of Few Gardens, Durham, North Carolina, Project No. CBI-02000, Sheet 2 of 3, dated January 16, 2004 and revised March 7, 2006, prepared by The John R. McAdams Company, Inc. See also the plat entitled "Reservation of Easement, City of Durham," recorded in Plat Book 181, Page 361, Durham County Registry. This property is more commonly known as 115 N. Goley Street.

**Tract 5:**

BEGINNING at an iron pipe set on the eastern right-of-way of N. Blacknall Street where N. Blacknall intersects with the southern right-of-way of Morning Glory Avenue; thence along and with Morning Glory Avenue South 65 degrees 07 minutes 41 seconds East 95.31 feet to a point; thence South 23 degrees 58 minutes 19 seconds West 36.66 feet to a point; thence North 66 degrees 31 minutes 41 seconds West 95.30 feet to a point on the eastern right-of-way of N. Blacknall Street; thence along and with said right-of-way North 23 degrees 58 minutes 19 seconds East 38.99 feet to an iron pipe set, the point and place of BEGINNING, and containing 0.083 acres more or less and being Lot E as shown on the Topographic Survey of Few Gardens, Project No. CBI-02000, Sheet 2 of 3, dated January 16, 2004 and revised March 7, 2006, prepared by The John R. McAdams Company, Inc. This property is more commonly known as 118 N. Blacknall Street.

**Reservation of Easements**

**16 Foot Public Storm Drain Easement**

Beginning at a point the intersection of the western right-of-way line of N. Goley St. with the southern right-of-way line of Morning Glory Ave., thence running from said beginning point along the western right-of-way line of N. Goley St. S24°05'03"W a distance of 16.44 feet; thence running along the southern line of said 16 foot public storm drain easement N53°14'31"W a distance of 81.26 feet to a point in the southern right-of-way line of Morning Glory Ave.; thence running along the southern right-of-way line of Morning Glory Ave. S64°54'23"E a distance of 79.29 feet to the point or place of beginning containing 651 square feet being identified as a 16 foot public storm drain easement as shown on that plat entitled "Reservation of Easement, City of Durham, 1406,1408 Morning Glory Ave., 115 N. Goley St." prepared by Triangle Surveyors, Inc. dated 4/10/2008.

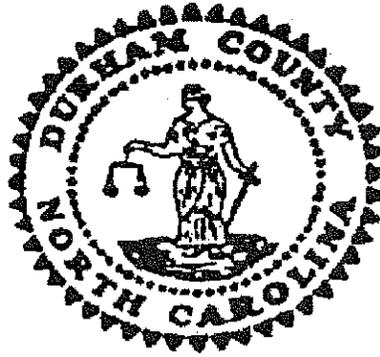
**30 Foot Public Sanitary Sewer Easement**

Beginning at a point located on the southern right-of-way line of Morning Glory Ave., said point being located N64°54'23"W a distance of 95.01 feet from the intersection of the western right-of-way of N. Goley St. with the southern right-of-way line of Morning Glory Ave.; thence running from said beginning point along the southern right-of-way line Morning Glory Ave. S64°54'23"E a distance of 1.80 feet; thence leaving the right-of-way of Morning Glory Ave. and running S19°56'19"W a distance of 48.09 feet to a point in the southern lot line of a City of Durham property described in Deed Book 2150, Page 797 of the Durham County Registry; thence running along the southern line of said lot N66°31'26"W a distance of 5.28 feet to a point the corner of said lot; thence running along western lot line of the property standing in the name of Housing Authority of the City of Durham as referenced by Deed Book 5420, Page 260 of the Durham County Registry S24°05'03"W a distance of 49.80 feet to a point the southwest corner of said Housing Authority lot and also being the southeastern corner of City of Durham property described in Deed Book 2079, Page 549 of the Durham County Registry; thence running along southern line of City of Durham lot N66°22'33"W a distance of 21.17 feet to a point, thence running N19°56'19"E a distance of 98.77 feet to a point in the southern right-of-way line of Morning Glory Ave., thence running along the southern line of Morning Glory Ave. S64°54'23"E a distance of 28.32 feet to the point or place of beginning containing 2,598 square feet being identified as the 30 foot public sanitary sewer easement as shown on that plat entitled "Reservation of Easement, City of Durham, 1406,1408 Morning Glory Ave., 115 N. Goley St." prepared by Triangle Surveyors, Inc. dated 4/10/2008.

**25 Foot Public Storm Drain Easement**

Beginning at a point located in the southern right-of-way line of Morning Glory Ave., said point being the common corner between City of Durham property referenced in Deed Book 2079, Page 549 and City of Durham property referenced in Deed Book 2148, Page 747 of the Durham County Registry, and further being located N64°54'23"W a distance of 147.88 feet from the intersection of western right-of-way line of N. Goley St. with the southern right-of-way line Morning Glory Ave.; thence running from said beginning point along the southern right-of-way line Morning Glory Ave. S64°54'23"E a distance of

18.08 feet to a point; thence running S24°26'11"W a distance of 70.13 feet to a point; thence running S22°38'20"W a distance of 28.61 feet to a point in the southern lot line of City of Durham property referenced by Deed Book 2079, Page 549 of the Durham County Registry; thence running along the southern line of said City of Durham property N66°22'33"W a distance of 18.37 feet to a point in the common line between City of Durham property referenced by Deed Book 2079, Page 549 and City of Durham Property referenced by Deed Book 2148, Page 747 of the Durham County Registry; thence running along the eastern line of the former City of Durham lot S24°05'03"W a distance of 15.17 feet; thence running along the southern line of said City of Durham lot N66°22'33"W a distance of 6.25 feet to a point; thence running N22°38'20"E a distance of 43.74 feet to a point; thence running N24°26'11"E a distance of 70.81 feet to a point in the southern right-of-way line of Morning Glory Ave.; thence running along the southern right-of-way line of Morning Glory Ave. S64°54'23"E a distance of 6.92 feet to the point or place of beginning containing 2,574 square feet shown as the 25 foot public storm drain easement on that plat entitled "Reservation of Easement, City of Durham, 1406,1408 Morning Glory Ave., 115 N. Goley St." prepared by Triangle Surveyors, Inc. dated 4/10/2008.



WILLIE L. COVINGTON  
REGISTER OF DEEDS, DURHAM COUNTY  
DURHAM COUNTY COURTHOUSE  
200 E. MAIN STREET  
DURHAM, NC 27701

**PLEASE RETAIN YELLOW TRAILER PAGE**

It is part of recorded document, and must be submitted with original for re-recording  
and/or cancellation.

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Filed For Registration: 06/09/2009 02:56:06 PM  
Book: RE 6242 Page: 111-115  
Document No.: 2009019793  
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Recorder: SHARON M CEARNEL



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