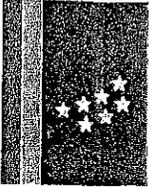


DURHAM



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DURHAM CITY-COUNTY PLANNING DEPARTMENT  
101 CITY HALL PLAZA | DURHAM, NC 27701  
919.560.4137 | fax 919.560.4641  
<http://www.durhamnc.gov/departments/planning/>



September 29, 2008

William C. Smith, Jr. Esq.  
Manning Fulton & Skinner, P.A.  
P.O. Box 20389  
Raleigh, NC 27619-0389

Re: CRLP Durham LP – Colonial Grand Apartments

Dear Mr. Smith:

I am writing at this time regarding the cross access issue which has arisen with property adjoining Colonial's multi-family project on Ellis Road. Since receiving your correspondence, we have reviewed the conditions for site plan approval provided for the tract on which the Colonial multi-family project is constructed. Your client is the current owner of this tract. Allow this letter to respond to your letter of June 6, 2008 in which you advised your client was prepared to take legal action should the City of Durham approve a site plan for the Phillips Development Realty in connection with its proposed multi-family project on the adjoining tract to the Colonial property.

We have reviewed the approved zoning development plan and the site plan approval issued to Wood Partners, the predecessor owner to Colonial. Condition number 5, per the approved site plan, clearly states that "at the time of subdivision and/or recombination plat approval a shared access agreement for the northern multi-family/office shared access will be recorded." We understand it is your client's position that it intends to deny cross access to the adjoining tract on which Phillips Development Realty is seeking a site plan approval for its multi-family project. This places Colonial in clear violation of the condition set forth in Condition 5 which requires that cross access be provided and maintained between the tracts. Your client's prohibitory easement, apparently added after the development plan and site plans were approved, flies in the face of and thwarts the clear intent of the City of Durham in issuing site plan approval conditioned on cross access with the adjoining tract.

Accordingly, we hereby give notice to Colonial that it is in violation of the conditions of site plan approval for its parcel. Please advise our office as soon as possible as to whether Colonial will retract its position as set forth in your letter of June 6, 2008 and permit cross access between the properties as required by the approved development plan for this tract. Should Colonial insist in maintaining its current position, our office is

prepared to initiate the appropriate zoning enforcement actions to address and correct this issue. I look forward to hearing from you soon. Best regards.

Sincerely,

A handwritten signature in black ink, appearing to read "St. L. Medlin". The signature is written in a cursive style with a large initial "S" and "M".

Steven L. Medlin, AICP  
Durham City-County Planning Director

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