

BK5392PG0248

Please return to: John K. Culbertson
4006 Barrett Drive
Raleigh, NC 27609

NORTH CAROLINA
WAKE COUNTY

DECLARATION OF CROSS EASEMENTS AND COVENANT

This Declaration made this 29th day of October, 1992, by Coggins Construction Company, (hereafter called "Owner") of Wake County, North Carolina.

W I T N E S S E T H:

Whereas, Owner is the Owner of Lot 20 of Hillside Park Subdivision, Book of Maps 1980, Page 1109, Wake County Registry; and

Whereas, Owner desires to subdivide said Lot 20 into three Lots, 20A, 20B, and 20C, as shown on subdivision map dated May 11, 1992, as revised, made by John Y. Phelps, Jr. R. S. and recorded in Book of Maps 1992, Page 1257, Wake County Registry; and

Whereas, the only vehicular access from Hilburn Road onto Lots 20B and 20C will be by use of a 16' joint driveway from Hilburn Road, as shown on said Map 1992, Page 1257, Wake County Registry; and Owner has agreed with the City of Raleigh to establish this cross easement so that the Owners of Lots 20B, 20C and 20A shall have the joint use of said 16' joint driveway;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration received by the Owner, the Owner does hereby declare, covenant dedicate and restrict Lots 20A, 20B and 20C referred to above and as shown on the subdivision map recorded in Book of Maps 1992, Page 1257, Wake County Registry, to the following:

1. That an easement is hereby established for ingress, egress and regress for vehicular and pedestrian traffic from Hilburn Road onto Lot 20A, 20B and 20C over and upon that certain "Proposed 16' joint driveway" as shown on said map recorded in Book of Maps 1992, Page 1257, Wake County Registry.

2. The right-of-way and easement granted herein is specifically declared to be non-exclusive, and the Owners of Lots 20A, 20B and 20C, their tenants, agents, invitees, licensees, heirs, successors, and assigns shall not at any time obstruct or deny

PRESENTED
FOR
REGISTRATION
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KENNETH C. WILKINS
REGISTER OF DEEDS
WAKE COUNTY

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access to said easement area, the same to remain open at all times for the use of the Owners of Lot 20A, 20B, and 20C, their successors, heirs, assigns, tenants, invitees, and licensees.

3. The Owners of Lot 20B and 20C and their Tenants shall have the duty to construct, improve, repair, and maintain the driveway on the easement area as described above. Construction of said driveway shall be completed within six months from the date hereof. Said Owners and tenants of either easement area are granted right of access for construction or necessary repair.

4. That until such times as Lots 20A, 20B and 20C are recombined into one lot, Lot 20B and 20C will be used only as the site for construction and operation of telecommunications towers, and Lot 20A will be used only for non-residential purposes.

5. Owners of Lots 20B, 20C and 20A agree to recombine said Lots back into one lot which lot shall resemble the original Lot 20 of Hillside Park Subdivision, Book of Maps 1980, Page 1109, Wake County Registry, within six months of termination of the telecommunications operations on Lots 20B and 20C with such recombination being made in accordance with City code requirements. Upon recombination the joint driveway will be closed and the curb and gutter replaced by the then Owner or Owners of the lots.

6. That this declaration restrictive covenant and obligation shall run with the land and be binding on the Owners of Lots 20A, 20B and 20C, their tenants, heirs, successors and assigns.

7. That these declarations cannot be amended or changed without the prior written consent of the City of Raleigh, said amended declaration to be in writing, signed by the respective Owners of the three Lots affected by the amendments, and signed by the City of Raleigh as approving the same, except that the written approval by the City of Raleigh can be by a City of Raleigh staff attorney.

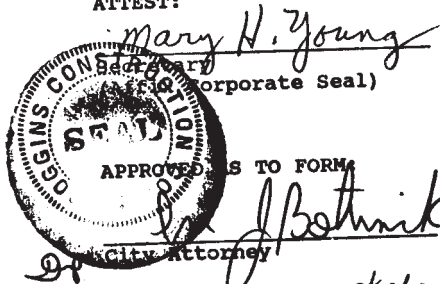
IN WITNESS WHEREOF party of the first part intending to be legally bound has hereunto executed this instrument under seal by authority duly given all on the day and year first above written.

COGGINS CONSTRUCTION COMPANY

John F. Coggins, Pres.

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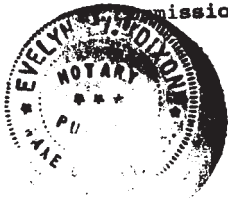
ATTEST:



NORTH CAROLINA, Wake County.
I, a Notary Public of the County and State aforesaid, certify
that Mary H. Young, personally
came before me this day and acknowledged that she is
Secretary of Coggins Construction Company, a
North Carolina corporation, and that by authority duly given and
as the act of the corporation, the foregoing instrument was
signed in its name by its President, sealed with its cor-
porate seal and attested by her as its Secretary.
Witness my hand and official stamp or seal, this 29 day of
October, 1992.

Evelyn W. Dixon
Notary Public

Commission expires: 9-1-96



NORTH CAROLINA — WAKE COUNTY

The foregoing certificate of

Evelyn W. Dixon

Notary Public is

(are) certified to be correct. This instrument and this certificate are duly registered at the date and time
and in the book and page shown on the first page hereof.

KENNETH C. WILKINS, Register of Deeds

By Barbara Allen
Deputy Register of Deeds