

Notwithstanding any other provision of this City Code Covenant, without the prior written consent of the City, none of the following is allowed in any City-owned greenway or greenway easement situated on the Property: grading; excavation; dredging; the addition or removal of soil or other materials; the erection of buildings, signs, fences, drainage devices or structures; or any tree disturbing activity (as defined in Part 10, Chapter 2 of the Code). The City, in its sole discretion, at any time and from time to time, may erect paved or unpaved trails, trail markers, and place litter receptacles and other convenience facilities, within the greenway boundaries. The City, in its sole discretion, may adopt and amend regulations concerning the use of greenway (including, by way of example, limiting hours of operation), which shall be equally applicable to the general public and to the Owners and their occupants and guests.

**ARTICLE VII
PRIVATE STREETS
(CODE SECTION 10-3074)**

Pursuant to Code Section 10-3074 (b), (c) and (e)(4) (or their successor provisions), all of the following are applicable to private streets in the Property:

1. Limitation of Responsibilities for Governmental Authorities. In no case shall the City be responsible for failing to provide any emergency or regular fire, police or other public service to any cluster unit development, unit Ownership (condominium) development, group housing development, townhouse development, or manufactured home park or to the occupants of same when such failure is due to lack of access to such areas due to inadequate design, construction or blocking of access routes, inadequate Maintenance, or any other factor within the control of the Declarant, the Association, the Owners or the occupants of the Property.

2. Association Maintenance of Private Streets. In no case shall the City or the State of North Carolina be responsible for Maintaining any private street. Such responsibility shall rest with the Association and Owners of Lot within the Property, in that, such private streets may not be constructed to the minimum standards sufficient to allow their inclusion for public Maintenance.

2. Traffic Flow. It shall be the responsibility of the Association to establish speed limits and to Maintain uninterrupted traffic flow along all private streets within the Property. If it is necessary for "no parking" signs to be erected, for street lights to be installed, for repairs to be made to private streets or towing of vehicles to be undertaken, all expenses of same shall be Common Expense, provided, however, that nothing herein shall prohibit the Association from establishing fines or towing charges in its Governing Documents.

**ARTICLE VIII
GATED COMMUNITY
[CODE SECTION 10-3074(d)]**

The following provisions are applicable to any portion of the Property that contains a gated community as defined in Code Section 10-3074(d) (or its successor provision):