

WAKE COUNTY, NC 161
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
12/02/2019 15:47:36

BOOK:017669 PAGE:01509 - 01516

Prepared by and return to:
Suzanne B. Allaire (Vault Box #123)
K&L Gates LLP
P.O. Box 17047
Raleigh, NC 27619

Cross Reference: Book 12650, Page 1607, Wake County Registry

STATE OF NORTH CAROLINA

COUNTY OF WAKE

**DESIGNATION OF COMMON PROPERTY -
STORMWATER CONTROL MEASURES**

THIS DESIGNATION OF COMMON PROPERTY - STORMWATER CONTROL MEASURES ("Designation of Common Property") is effective on the date of its recordation in the Wake County Registry by **WSLD 12 OAKS VI, L.L.C.**, a Delaware limited liability company ("Declarant").

W I T N E S S E T H:

WHEREAS, Declarant is the Declarant under that certain Master Declaration of Covenants, Conditions, Restrictions, Easements, Charges and Liens for Twelve Oaks recorded in Book 12650, Page 1607 in the Wake County Registry (as amended and assigned from time to time, the "Declaration"); and

WHEREAS, pursuant to Article I, Section 35 of the Declaration, Declarant may designate storm water drainage easements that benefit more than one (1) Lot as Stormwater Control Measures by describing such easements in a document recorded in the Wake County Registry, and such Stormwater Control Measures shall be a part of the Common Property and the maintenance of the Stormwater Control Measures shall be a Common Expense; and

WHEREAS, certain stormwater facilities consisting of subsurface drainage pipelines, drainage inlets and appurtenant measures have been constructed on certain Lots to facilitate the flow of stormwater across such Lots and within the Properties ("Stormwater Facilities"); and

WHEREAS, Declarant now desires to establish such Stormwater Facilities as Stormwater Control Measures under the Declaration.

NOW, THEREFORE, BE IT RESOLVED, that the foregoing recitals are incorporated herein by this reference, and Declarant hereby declares and establishes the following:

1. All capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Declaration.

2. Declarant does hereby declare and establish that the Stormwater Facilities installed on Lots 108, 109 and 110 as shown on the plat recorded in Book of Maps 2007, Pages 1516-1518, Wake County Registry ("Lots 108-110"), within the area identified as "Proposed 10' Private Storm Drainage Easement" on Exhibit "A" attached hereto and incorporated herein by reference are Stormwater Control Measures under the Declaration. Declarant further declares that the Association shall be responsible for maintaining such Stormwater Facilities as Common Property and all costs associated with the maintenance, repair, and replacement of such Stormwater Facilities shall be Common Expenses and shall be recovered by Annual Assessments levied by the Association.

3. Declarant does hereby further declare and establish perpetual, non-exclusive easements for the maintenance and repair of the Stormwater Facilities on, over, under and across those portions of Lots identified as "Proposed 10' Private Storm Drainage Easement" on Exhibit "A" attached hereto and incorporated herein by reference. Notwithstanding the foregoing, each Owner of a Lot, and not the Association, shall be responsible for maintenance of all Stormwater Control Measures located on and used exclusively in connection with such Owner's Lot or the improvements thereon, including guttering, and pipes and drains for transportation of stormwater from such Lot into any other Stormwater Control Measures.

4. M/I Homes of Raleigh, LLC, as the owner of Lots 108-110, joins in this Designation of Common Property to evidence its consent to the terms hereof. The Association joins in this Designation of Common Property to evidence its consent to the terms hereof and to acknowledge the Association's obligations relative to the Stormwater Facilities hereunder.

[signature and acknowledgment pages follows]

IN WITNESS WHEREOF, Declarant has caused this Designation of Common Property - Stormwater Control Measures to be duly executed and to be effective as of the date of its recordation in the Wake County Registry.

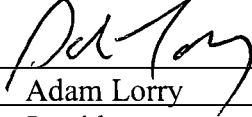
DECLARANT:

WSLD 12 OAKS VI, L.L.C.,
a Delaware limited liability company

By: WSLD NC/SC Portfolio Investors VI, L.L.C.,
a Delaware limited liability company,
its Managing Member

By: Walton Landeavor Holdings VI, L.L.C.,
a Delaware limited liability company,
its Managing Member

By: Landeavor Administrator VI, LLC,
a Delaware limited liability company,
Administrative Member

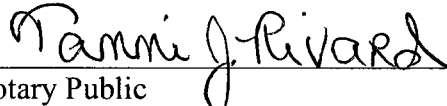
By: 
Name: Adam Lorry
Title: President
Dated: November 27, 2019

State of Florida
County of Hillsborough

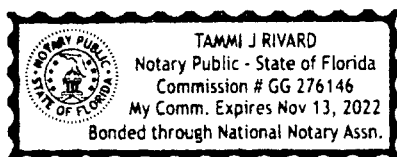
I certify that the following person personally appeared before me this day and acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Adam Lorry, as President.

Date: November 27, 2019

My Commission Expires: 11/13/2022


Notary Public
Print Name: Tammi J. Rivard

[Affix Notary Stamp or Seal]



IN WITNESS WHEREOF, M/I Homes of Raleigh, LLC joins in the execution of this Designation of Common Property - Stormwater Control Measures to consent to the terms and conditions hereof.

M/I Homes of Raleigh, LLC:

M/I HOMES OF RALEIGH, LLC,
a Delaware limited liability company

By: x

Name: Ryan Shears

Title: Area President

Wake County, North Carolina

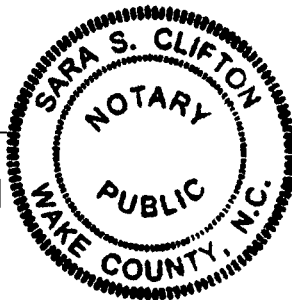
I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Area President, Ryan Shears

Date: 11-26-2019

My Commission Expires:

1-10-2020

[Affix Notary Stamp or Seal]



Sara S. Clifton

Notary Public

Print Name:

Sara S. Clifton

IN WITNESS WHEREOF, Association joins in the execution of this Designation of Common Property - Stormwater Control Measures to consent to the terms and conditions hereof.

ASSOCIATION:

TWELVE OAKS MASTER ASSOCIATION, INC.,
a North Carolina non-profit corporation

By: *David G. Mason*
Name: David G. Mason
Title: President

Wake County, North Carolina

I certify that the following person personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: David G. Mason.

Date: December 2, 2019

My Commission Expires:

August 8, 2022

[Affix Notary Stamp or Seal]

Helen I. Cronin
Notary Public
Print Name: Helen I. Cronin

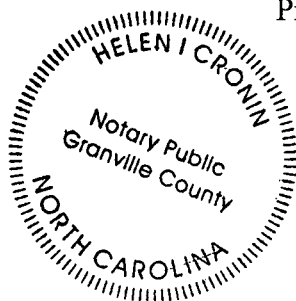
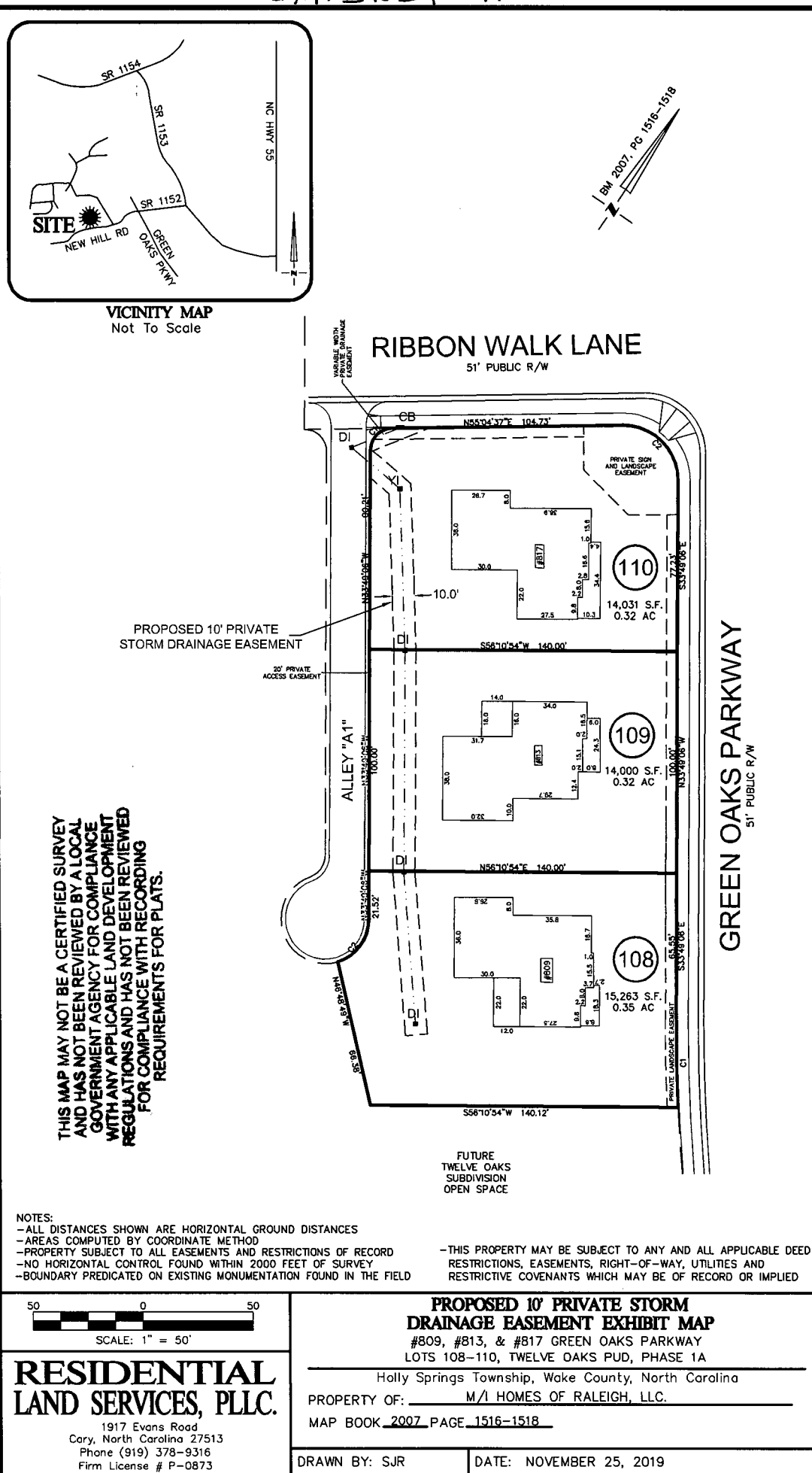
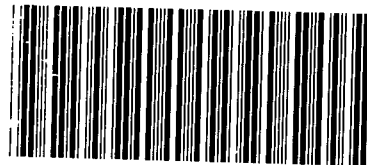


Exhibit “A”

[see attached]

EXHIBIT "A"





BOOK: 017669 PAGE: 01509 - 01516



Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam

Register of Deeds

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

☐ New Time Stamp

☐ \$25 Non-Standard Fee

☐ Additional Document Fee

☐ Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

8 # of Pages 