

American National llc

3465 S. Arlington Rd, Suite E#183, Akron, OH 44312
Phone and fax 330-294-1077, a-national.com

Surveyor's Legal Description

A tract of land containing 2.12 acres, more or less, situated within the City of Matthews, Mecklenburg County, Alabama, being more particularly described as follows:

Being part of Lot 5 (Map Book 22 at Page 683) of the Mecklenburg County Public Registry, beginning at an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the south line of Lot 5 said point being the TRUE POINT OF BEGINNING; thence run along the East right-of-way margin of said East Independence Boulevard, N 33° 24'00" W for a distance of 265.00 feet to an iron pin at the intersection of the East right-of-way margin of East Independence Boulevard and the North line of Lot 5; thence leaving said East right-of-way margin of East Independence Boulevard, run N 56° 36'00" E for a distance of 340.59 feet to an iron pin, said iron pin being the P.C. of a curve to the Right, having a radius of 20.00' and an arc distance of 31.42 feet; thence along said curve to the Right a chord bearing of S 78° 24'31" E and a chord distance of 28.28 feet to an iron pin; thence run S 33° 24'00" E for a distance of 116.33 feet to an iron pin; thence run S 44° 29'23" E for a distance of 33.76 feet to an iron pin on the West right-of-way margin of Northeast Court, said iron pin being the P.C. of a curve to the Left, having a radius of 50 feet and an arc distance of 62.50 feet; thence along said curve to the Left a chord bearing of S 07° 45'27" E and a chord distance of 58.51 feet to an iron pin; thence leaving said West right-of-way margin of Northeast Court, run S 28° 58'30" W for a distance of 92.28 feet to an iron pin; thence run S 56° 36'00" W for a distance of 260.00 feet to a point and back to the TRUE POINT OF BEGINNING.

Being all of Lot 5 as shown on the map of East Pointe, which is recorded in Map Book 22 at Page 683 of the Mecklenburg County Public Registry, together with a parcel of land lying adjacent and contiguous to the southwesterly boundary of said Lot 5, and measuring 265.0 feet in length by 100.0 feet in width, and lying wholly within the right-of-way of U.S. Highway 74.

TOGETHER WITH CERTAIN EASEMENTS for ingress, egress and regress to the above described property and for utility services to be furnished to the property, said easements to be appurtenant to the property herein described and conveyed, and to run with the land, and to be used in common by Grantor, its successors and assigns, and Grantee, its successors and assigns, and all such other parties as are now, or may hereafter become, lawfully entitled to the use of the same, Said easements are more particularly described as follows:

1. An easement in, over, across and upon the street to be known as Northeast Court, to extend from the property line which is the sixth call in the description of the property hereinabove described and conveyed, as set forth on Exhibit A, in a generally eastward direction, to Sam Newell Road; and together with the right to construct and establish a curb cut of such width, and at such location, as Grantee may elect, within the said line which constitutes the sixth call of the description set forth on Exhibit A.

2. An easement for the purpose of placing and maintaining one or more underground water pipelines to serve the above described property, with diameters of up to 8 inches, the same to be located wholly or partly within that certain 30 foot access easement which is located adjacent to the southeasterly corner of the property hereinabove described and conveyed, as shown on the survey by Sam Malone & Associates which is attached hereto and incorporated herein by reference as Exhibit C to this deed, and to connect with an 8 inch underground water pipeline which Grantor shall construct from the boundary of the property herein conveyed and described, within said easement and within Northeast Court, as shown on the map recorded in Map Book 22, Page 683, Mecklenburg Public Registry, and to receive water through such pipelines across all lands of Grantor through which said pipelines shall be constructed.

Containing 92,318.30 sq. ft. or 2.12 acres more or less.

Notes: All field measurements matched record dimensions (Vesting Deed as recorded in Deed Book 5875, Page 675 on file in the Probate Office of Mecklenburg County, North Carolina.) within the precision requirements of ALTA/ACSM specifications unless otherwise shown.

The property shown and described herein is the same property as described in the Title Commitment No. 04-PHI-5083GD of Fidelity National Title Insurance Company bearing an effective date of December 22, 2004.

ALTA/ACSM Land Title Survey

Pep Boys - NC

Independence Blvd
0150
9415 E. Independence Blvd.
Matthews, NC
County of Mecklenburg

Surveyor's Certification

To: Fidelity National Title Insurance Company; The Pep Boys; and American National, Inc

The undersigned certifies that to the best of his professional knowledge, information and belief, this map or plat and the Survey on which it is based were made on the date shown below of the premises specifically described in Commitment No. 04-PHI-5083GD dated 12/22/2004 and were made: (i) in accordance with "Minimum Standard Detail Requirements for ALTA, ACSM, and NSPS in 1999"; (ii) in accordance with the "AGREEMENT" and Survey Requirements for Surveys dated 1/5/2005, and includes items 1, 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9, 10, 11a, 13, 14, 15, 16 of Table A specifically defined therein, and (iii) Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the survey measurements were made in accordance with the "Minimum Angle, Distance, and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Registered Surveyor: Gail W. Maiden
Registered Land Surveyor No. L-4400
In the State of North Carolina
Date of Survey: January 19, 2005
Date of Last Revision: February 4, 2005
Date Printed: February 4, 2005
Network Project No. 20040090-3
Surveyor's Job #: 05052
Prepared By: BLK

Survey Prepared By:
Harvel & Associates, Inc.
2025 Danville Park Drive SW, Suite 6
Decatur, AL 35603
Phone: (866) 353-6383
Fax: (866) 353-8471
Email: dharvel@harvel-associates.com



GAIL W. MAIDEN REG. NO. L-4400

Legend of Symbols & Abbreviations

Table with 2 columns of symbols and their corresponding meanings: Overhead Power, Underground Power, Overhead Telephone, Underground Telephone, Gas Line, Sewer Line, Water Line, Chainlink Fence, Guy Wires, Canopy or Overhang, Concrete Monument, Iron Pin or P/Nail Found, X in Concrete, Point of Beginning, Point of Commencement, Right of Way, Reinforced Concrete Pipe, Corrugated Metal Pipe, Drain Inlet, Guy Anchor, Manhole, Electric Manhole, Telephone Manhole, Storm Sewer Manhole, Sanitary Sewer Cleanout, Sanitary Sewer Manhole, Monitoring Well, Filtpost, Guard Post, Sign, Concrete.

Statement of Encroachments

- A Building encroaches Front Bld Set Back 19.92' X 125.80' X 19.96'
B Out-Building encroaches Rear Bld Set Back 4.29' X 14.09' X 3.70'

Miscellaneous Notes

- MN1 Dimensions on this survey are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only. Monuments were found at points where indicated.
MN2 The basis of bearings for this survey is N 56° 36'00" E as the North property line, as evidenced by monuments found, and is the same bearing as shown in Deed Book 5875, Page 675 of the County Probate Office.
MN3 There was no observable evidence of earth moving work, building construction, or building additions within recent months at the time of this survey.
MN4 There was no observable evidence of recent street or sidewalk construction and/or repair at the time of this survey.
MN5 There was no observable evidence of changes in street right-of-way lines or any proposed changes obtainable from the controlling jurisdiction at the time of this survey.
MN6 There was no observable evidence of site use as a solid waste dump, sump or sanitary landfill at the time of this survey.
MN7 Property is accessed from the West via East Independence Boulevard and from the East via Northeast Court, both are public roads.
MN8 There was no evidence of building or street numbers found in field.
MN9 There was no evidence of cemetery or burial grounds located on property.

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X 37119C0230 of the Flood Insurance Rate Map, Community Panel No. 02-04-04 and is not in a Special Flood Hazard Area. By telephone call dated 02-04-06 to the National Flood Insurance Program (800-638-6620) we have learned this community does currently participate in the program. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify this determination or apply for a variance from the Federal Emergency Management Agency.

Notes Corresponding to Schedule B

- 3 Declaration of covenants, conditions and restrictions (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) recorded in Book 5875, Page 675, Mecklenburg County Registry. PLOTTED AND SHOWN
4 Building restriction lines, easements and any other facts as shown on Map or Plat recorded in Plat Book 22, Page 683, Mecklenburg county Registry. PLOTTED AND SHOWN
5 Right(s)-of-way in favor of the City of Charlotte recorded in Book 6151, Page 350, Mecklenburg county Registry. PLOTTED AND SHOWN
6 Easement(s) in favor of Duke Power Company recorded in Book 6241, Page 234, Mecklenburg county Registry. PLOTTED AND SHOWN
7 Judgment in favor of Joshua Ziolkowski docketed in Judgment Book 559, Page 192, in the Office of the Mecklenburg county Clerk of superior Court. NOT LEGIBLE
8 Judgment in favor of Antoine Reid docketed in Judgment Book 461, Page 348, in the Office of the Mecklenburg County clerk of Superior Court. NOT LEGIBLE
9 Judgment in favor of Charles Cause docketed in Judgment Book 533, Page 66, in the Office of the Mecklenburg County clerk of Superior Court. NOT LEGIBLE
10 Title to that portion of the property within the bounds of any public streets, roads or highways. NO PLOTTABLE INFORMATION
11 Terms and conditions of, and rights of others in and to the property subject to, the appurtenant easements more particularly described in Schedule C. NO PLOTTABLE INFORMATION
12 Rights of others in and to the use of easements over Northeast Court for access purposes and rights of others in and to the use of water lines and water pipes as contained in Book 5875, page 675. (See Vesting Deed) BENEFITS SUBJECT SITE
13 Reservation of four easements as contained in Deed from East Independence Properties, a North Carolina General Partnership, to The Pep Boys - Manny, Moe and Jack, dated October 3, 1988, filed October 7, 1988, Book 5875, page 675. (See Vesting Deed) PLOTTED AND SHOWN
14 Restrictive covenant appearing of record in Book 5875, page 675. (See Vesting Deed) PLOTTED AND SHOWN

Utility Notes

- UN1 The location of Utilities shown hereon are from observed evidence of above ground appurtenances only. The surveyor was not provided with underground plans to determine the location of any subterranean uses.
UN2 From observed above ground appurtenances and utility paint markings as shown hereon, electric, telephone, water, sewer and gas lines and/or service is available for the subject property within the public road right of way(s).

Zoning Information

According to the City Planning and Development Department (704)847-4411 on January 20, 2005, the subject property is zoned "C" Conditional District and is subject to the following conditions:
Zoning Classification: "C" Conditional District
Zoning District: City of Matthews
Permitted Use: Retail
Front Setback: 40' from Transitional Right of Way
Rear Setback: 30'
Side Setback: 0'
Max. Building Height: Conditional
Max Gross Density (per acre): None
Parking Ratio: 2 spaces per bay, 1 space per 200 sq. ft. + 1 space per 2 employee.
Required Parking Spaces: 62
Onsite Parking Spaces: 83 Regular, 2 Handicap
REA Parking Spaces: 0
Total Parking Spaces: 85

Because there may be a need for interpretation of the applicable zoning codes, we refer you to the City of Matthews, and the applicable zoning codes.

Schedule A Legal Description

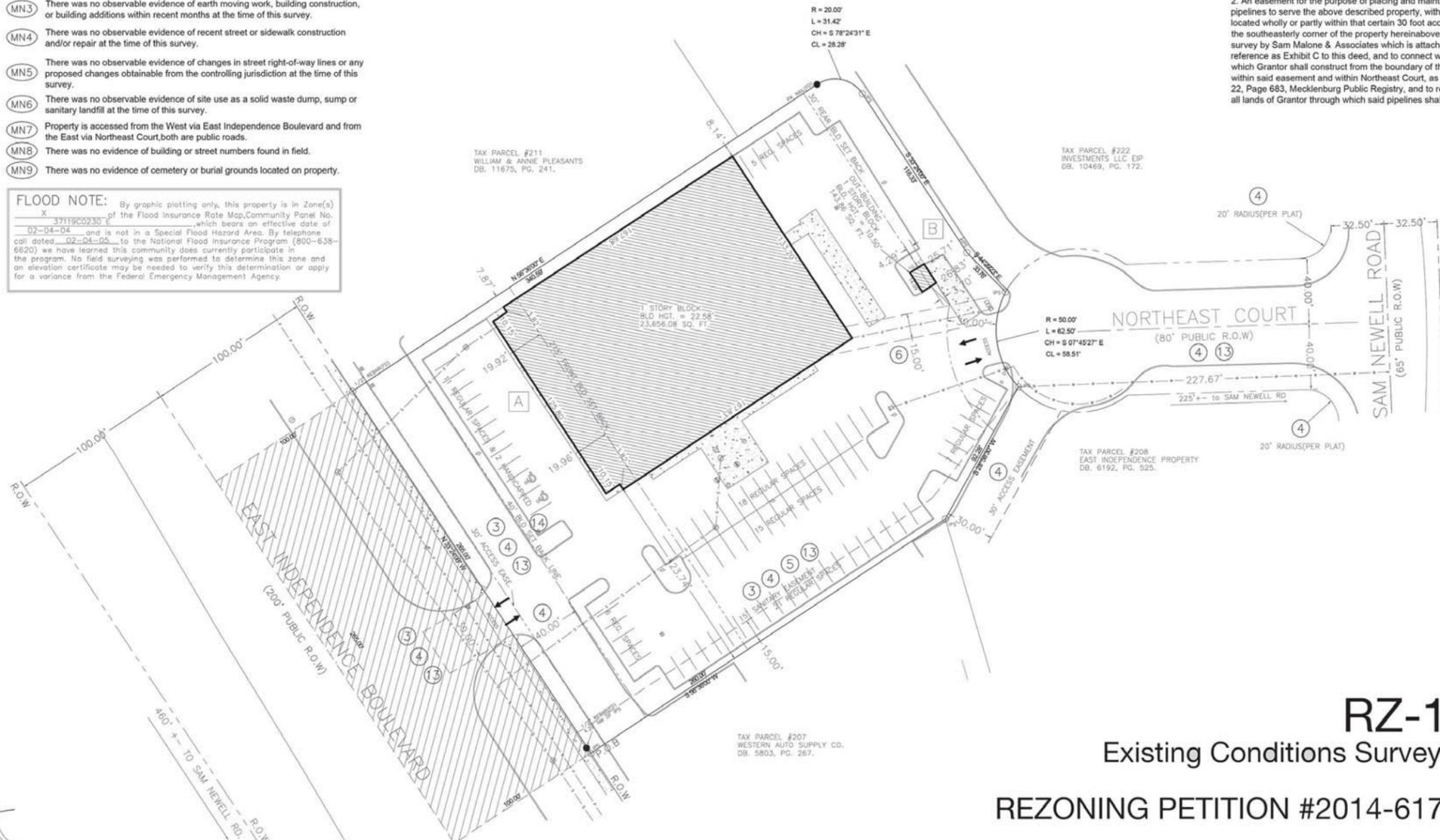
Lying and being in Mecklenburg County, North Carolina, and being more particularly described as follows:

Beginning at a new iron pin in the centerline of U.S. Highway 74, (East Independence Boulevard), said Highway having a right-of-way of 200 feet and said new iron pin being located N 33-24-00 W, 461.10 feet from the centerline intersection with S.R. 3168, (Sam Newell Road); (1) Thence along the aforementioned centerline, N 33-24-00 W, 265.00 feet to a new iron pin being the common corner with the R. Stephen McNair & Fletcher G. Keith property recorded in Deed Book 5895 at Page 726 in the Mecklenburg County Registry; (2) Thence along said property line, N 56-36-00 E, 440.59 feet to a new iron pin passing through a new iron pin on the right-of-way of U.S. Highway 74 at 100 feet; (3) Thence with the arc of a circular curve to the right, having a radius of 20 feet, an arc length of 31.42 feet, a chord distance of 28.28 feet, and a chord bearing of S 78-24-00 E, to a new iron pin; (4) Thence along the line of the aforementioned R. Stephen McNair & Fletcher G. Keith property; S 33-24-00 E 116.33 feet to a point; (5) Thence S 44-29-23 E 33.76 feet to a new iron pin on the right-of-way of Northeast Court, said right-of-way having a radius of 50 feet; (6) Thence along the said right-of-way with an arc of a circular curve to the left, having a radius of 50 feet, an arc length of 62.50 feet, a chord distance of 58.51 feet and a chord bearing of S 07-45-27 E to a new iron pin in said right-of-way; (7) Thence along the line of the Western Auto property recorded in Deed Book 5803 at page 267, S 28-58-30 W 92.28 feet to a new iron pin in said line; (8) Thence along said line S 56-36-00 W, 360.00 feet, passing through a new iron pin on the right-of-way of U.S. Highway 74 (East Independence Boulevard) at 260.00 feet to the point and place of beginning, containing 118,822 square feet, more or less.

Being all of Lot 5 as shown on the map of East Pointe, which is recorded in Map Book 22 at Page 683 of the Mecklenburg County Public Registry, together with a parcel of land lying adjacent and contiguous to the southwesterly boundary of said Lot 5, and measuring 265.0 feet in length by 100.0 feet in width, and lying wholly within the right-of-way of U.S. Highway 74.

TOGETHER WITH CERTAIN EASEMENTS for ingress, egress and regress to the above described property and for utility services to be furnished to the property, said easements to be appurtenant to the property herein described and conveyed, and to run with the land, and to be used in common by Grantor, its successors and assigns, and Grantee, its successors and assigns, and all such other parties as are now, or may hereafter become, lawfully entitled to the use of the same. Said easements are more particularly described as follows:

- 1. An easement in, over, across and upon the street to be known as Northeast Court, to extend from the property line which is the sixth call in the description of the property hereinabove described and conveyed, as set forth on Exhibit A, in a generally eastward direction, to Sam Newell Road; and together with the right to construct and establish a curb cut of such width, and at such location, as Grantee may elect, within the said line which constitutes the sixth call of the description set forth on Exhibit A.
2. An easement for the purpose of placing and maintaining one or more underground water pipelines to serve the above described property, with diameters of up to 8 inches, the same to be located wholly or partly within that certain 30 foot access easement which is located adjacent to the southeasterly corner of the property hereinabove described and conveyed, as shown on the survey by Sam Malone & Associates which is attached hereto and incorporated herein by reference as Exhibit C to this deed, and to connect with an 8 inch underground water pipeline which Grantor shall construct from the boundary of the property herein conveyed and described, within said easement and within Northeast Court, as shown on the map recorded in Map Book 22, Page 683, Mecklenburg Public Registry, and to receive water through such pipelines across all lands of Grantor through which said pipelines shall be constructed.



RZ-1 Existing Conditions Survey

REZONING PETITION #2014-617



CURRENT

2014-617
10-9-2014



URBAN
DESIGN
PARTNERS

1318-e6 central ave, # 704,334,3303
charlotte, nc 28205 # 704,334,3305
urbandesignpartners.com

DEVELOPMENT STANDARDS

GENERAL PROVISIONS

- A. THESE DEVELOPMENT STANDARDS FORM A PART OF THE REZONING PLAN ASSOCIATED WITH THE REZONING APPLICATION FILED BY THE PEP BOYS-MANNY, MOE & JACK, INC. FOR AN APPROXIMATELY 2.12 ACRE SITE LOCATED ON THE EAST SIDE OF EAST INDEPENDENCE BOULEVARD AND AT THE TERMINUS OF NORTHEAST COURT, WHICH SITE IS MORE PARTICULARLY DEPICTED ON THE REZONING PLAN (HEREINAFTER REFERRED TO AS THE "SITE").
- B. THE DEVELOPMENT AND USE OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN, THESE DEVELOPMENT STANDARDS AND THE APPLICABLE PROVISIONS OF THE TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE (THE "ORDINANCE"). SUBJECT TO THE EXEMPTIONS FROM THE ORDINANCE REQUIREMENTS SET OUT IN THESE DEVELOPMENT STANDARDS AND ON THE REZONING PLAN PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE BUSINESS HIGHWAY (B-H) ZONING DISTRICT SHALL GOVERN THE USE AND DEVELOPMENT OF THE SITE.

EXEMPTIONS PURSUANT TO SECTION 155.401.1(I) OF THE ORDINANCE

- A. PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE, THE AMOUNT OF REQUIRED PARKING SPACES ON THE SITE IS HEREBY REDUCED BY 15 PERCENT, AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE ORDINANCE.
- B. THE EXISTING BUILDING LOCATED ON THE SITE ENCROACHES 20 FEET INTO THE TRANSITIONAL SETBACK FROM EAST INDEPENDENCE BOULEVARD AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE EXISTING BUILDING AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- C. THE ACCESSORY STRUCTURE LOCATED AT THE REAR OF THE SITE ENCROACHES 15 FEET INTO THE SETBACK FROM NORTHEAST COURT AS DEPICTED ON THE REZONING PLAN. HOWEVER, PURSUANT TO SECTION 155.401.1(I)(1)(A) OF THE ORDINANCE, THE ACCESSORY STRUCTURE AND THE SITE SHALL BE CONSIDERED TO BE IN CONFORMANCE WITH THE SETBACK REQUIREMENTS OF THE ORDINANCE.
- D. TO THE EXTENT THAT THE SITE DOES NOT MEET THE LANDSCAPING REGULATIONS OF THE ORDINANCE, THE SITE WILL BE EXEMPT FROM THE INSTALLATION OF NEW LANDSCAPING TO MEET CURRENT STANDARDS PURSUANT TO SECTIONS 155.401.1(I)(1)(D) AND (E) OF THE ORDINANCE.

PERMITTED USES

THE SITE MAY BE DEVOTED TO ANY USE OR USES PERMITTED BY RIGHT OR UNDER PRESCRIBED CONDITIONS IN THE B-H ZONING DISTRICT, AND TO ANY ACCESSORY USES ALLOWED IN THE B-H ZONING DISTRICT.

MAXIMUM FLOOR AREA

- A. THE TOTAL MAXIMUM GROSS FLOOR AREA ALLOWED ON THE SITE SHALL BE 23,700 SQUARE FEET, WHICH IS THE SIZE OF THE EXISTING BUILDING LOCATED ON THE SITE.

TRANSPORTATION AND PARKING

- A. VEHICULAR ACCESS INTO THE SITE SHALL BE LIMITED TO THE EXISTING ACCESS POINTS WHICH ARE GENERALLY DEPICTED ON THE REZONING PLAN.
- B. ANY USE OR USES LOCATED ON THE SITE SHALL BE REQUIRED TO MEET THE MINIMUM OFF-STREET PARKING REQUIREMENTS OF THE ORDINANCE, PROVIDED, HOWEVER, THAT THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES LOCATED ON THE SITE FOR ANY USE OR USES MAY BE REDUCED BY 15 PERCENT PURSUANT TO SECTION 155.401.1(I)(1)(C) OF THE ORDINANCE.
- C. REQUIRED PARKING MAY BE LOCATED WITHIN THE TRANSITIONAL SETBACK AND THE SETBACK AS DEPICTED ON THE REZONING PLAN.

ARCHITECTURAL STANDARDS

RENOVATIONS OR ALTERATIONS TO THE EXTERIOR PORTIONS OF ANY BUILDING LOCATED ON THE SITE SHALL BE PERMITTED WITHOUT AN AMENDMENT TO THIS REZONING PLAN OR THE APPROVAL OF THE MATTHEWS BOARD OF COMMISSIONERS.

SIGNS

- A. ALL SIGNS INSTALLED ON THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE ORDINANCE.
- B. THE SITE IS LOCATED WITHIN THE EAST POINT DEVELOPMENT. PARCELS WITHIN THE EAST POINT DEVELOPMENT CAN PURSUE A SHARED/MULTI-TENANT FREE STANDING SIGN THROUGH A MASTER SIGN PLAN.

BINDING EFFECT OF THE REZONING APPLICATION

IF THIS REZONING APPLICATION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT AND/OR USE OF THE SITE IMPOSED UNDER THIS REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF APPLICANT AND THE CURRENT AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE SUCCESSORS IN INTEREST AND ASSIGNS. THROUGHOUT THESE DEVELOPMENT STANDARDS, THE TERMS, "APPLICANT" AND "OWNER" OR "OWNERS" SHALL BE DEEMED TO INCLUDE THE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST AND ASSIGNS OF APPLICANT OR THE OWNER OR OWNERS OF THE SITE FROM TIME TO TIME WHO MAY BE INVOLVED IN ANY FUTURE DEVELOPMENT THEREOF.

Pep Boys Auto

3111 West Allegheny Ave
Philadelphia, PA 19132

Pep Boys Auto

Development Standards and Notes
9415 Independence Blvd., Matthews, North Carolina

NO.	DATE	BY:	REVISIONS:
1	08/27/14	UDP	PER TOWN COMMENTS
2	09/12/14	UDP	PER TOWN COMMENTS
3	10/09/14	UDP	PER TOWN COMMENTS

Project No: 14-047
 Date: July 2, 2014
 Designed by: udp
 Drawn By: udp
 Scale:
 Sheet No:

RZ-3