File 21796

RUFF, BOND, COBB, WADE & McNAIR
ATTORNEYS AT LAW
2800 FIRST UNION PLAZA
CHARLOTTE, NORTH CAROLINA 28282-8283

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1878-1968
HENRY C. BOCKERY
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MARVIN A. BETHUNE

MOSES LUSKU
FRANCIS W. STURGES
ROBERT S. ABBEN, JR.

October 2, 1985

Mr. Russell Rozzelle
Mecklenburg County Department of Environmental Health
1200 Blythe Boulevard
Charlotte, N. C. 28203

Re: J. Ken Williams Co.
Provisional Building Permit
3130 Old Barn Road
Lot 31, Block E, Providence Plantation

Dear Mr. Rozzelle:

We enclose herewith the original bond executed by the above named corporation and by Lawyers Surety Corporation in favor of Mecklenburg County.

This is to certify that I have examined the provisions of the bond, and find them to be in proper form and content to assure compliance with policy and regulations of the Health Department of Mecklenburg County as required in connection with the issuance of a provisional building permit for improvements on the property known as 3130 Old Barn Road (Lot 31, Block E, Providence Plantation), Matthews, NC.

Yours very truly,

RUFF, BOND, COBB, WADE & McNAIR

Thomas C. Ruff

TCR/shm
Enclosures

NORTH CAROLINA

MECKLENBURG COUNTY

BOND EFFECTIVE 9-27-85
#452874

KNOW ALL MEN BY THESE PRESENTS that J. Ken Williams Co., a Residential Builder, with offices located at 1644 Hollow Drive, Charlotte, NC, hereinafter referred to as the Principal, is firmly bound unto the COUNTY OF MECKLENBURG, in the State of North Carolina, in the amounts hereinafter described, upon the following terms and conditions:

1. That no occupancy by the owner or by any tenant, or other person, be permitted on the premises known as 3130 Old Barn Road (Lot 31, Block E Providence Plantation(Matthews, NC described on Exhibit A attached hereto, in Mecklenburg County, North Carolina, or any portion thereof, prior to the issuance to said owner or its assigns of an Occupancy Permit.

2. In the event any occupancy of the premises shall be made or permitted by the owner prior to the issuance of an Occupancy Permit, Mecklenburg County can, at its option, declare this letter of guaranty immediately due and payable, and if the amount hereof is not paid within fifteen days after such demand is made, the County may, at its option, immediately resort to the Owner attached hereto for such payment.

3. The amount of this letter of guaranty is such amount as is required to secure the County against any cost incurred for attorney's fees and any other expenses incurred by the County in providing adequate sewage disposal facilities to the above-mentioned property, together with court costs in any action arising hereon, and such sewage disposal system shall be sufficient to meet the requirements of the County of Mecklenburg according to the regulations provided by the County pursuant to policies of the Mecklenburg County Board of Health, but said amount shall not exceed the sum of $ 5,000.00.

4. This agreement shall terminate when sewage facilites are available to the property as described herein; otherwise, the same shall remain in full force and effect.

5. This letter of guaranty shall terminate whenever an unrestricted Building Permit shall be granted to the Principal or its successors or assigns.

6. This obligation is secured by a BOND executed by LAWYERS SURETY CORPORATION in the amount of $5,000.00, which is attached hereto.

J. KEN WILLIAMS CO.

By: _____
President

LAWYERS SURETY CORPORATION

BY Marsha K Moore
Attorney-in-Fact

LAWYERS SURETY CORPORATION

1221 River Bend Drive Dallas, Texas 75247

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS. That LAWYERS SURETY CORPORATION of Dallas, Texas, a Texas Corporation, does hereby make, constitute and appoint

TIM M. RAY, REX C. ODTSON, MARSHA K. MOORE OR R. DANA RUCKER EACH OF CHARLOTTE, NORTH CAROLINA

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto if a seal is required, bonds, undertakings, recognizances or other written obligations in the nature thereof, (excluding: Criminal Bonds or recognizances, Supersedeas Bonds of any kind, Defendants Court Bonds in Judicial Proceedings, Community Administration Bonds, Contractors Bid, Performance, Payment and Completion Bonds, Motor Fuel Distributors Bonds, Consignee and Consignor Bonds); as follows:

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED AN AGGREGATE OF ONE HUNDRED THOUSAND $100,000 ----------FOR ANY SINGLE OBLIGATION. REGARDLESS OF THE NUMBER OF INSTRUMENTS ISSUED FOR THE OBLIGATION.

and to bind LAWYERS SURETY CORPORATION OF Dallas, Texas, thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are hereby ratified and confirmed. This appointment is made under and by authority of the following provisions of the By-Laws of the company, which are now in full force and effect:

Article 5, Section A. The Board of Directors shall have the management of the business of the company, and in addition to the powers and authorities by these By-Laws expressly conferred upon them, may exercise all such powers and do all such acts and things, as may be exercised or done by the corporation.

Article 5, Section 6. The Board of Directors may appoint additional officers and agents to perform such duties. This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the Board of Directors of LAWYERS SURETY CORPORATION of Dallas, Texas at a meeting duly held on January 29, 1972

RESOLVED that the PRESIDENT, any Vice-President, or Assistant Vice-President, in conjunction with the Secretary or any Assistant Secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such person.

RESOLVED FURTHER that any bond, undertaking, recognizances, or suretyship obligation shall be valid and binding upon the company (i) when signed and sealed by the President; any Vice-President, or Assistant Vice-President, or (ii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officers and the seal of the company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company; and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, LAWYERS SURETY CORPORATION of Dallas, Texas has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 11TH day of APRIL, 19 84.

LAWYERS SURETY CORPORATION

SEAL

Duane R. DuBois
Secretary

Jack F. Schroeder
President

STATE OF TEXAS, COUNTY OF DALLAS—ss

On this 11TH day of APRIL, 19 84, personally came before me, JACK F. SCHROEDER and DUANE R. DuBOIS, to me known to be the individuals and officers of the LAWYERS SURETY CORPORATION of Dallas, Texas, who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.

Notary Public

My Commission Expires 04/18/85

CERTIFICATE

I, the undersigned, assistant secretary of the LAWYERS SURETY CORPORATION of Dallas, Texas, a Texas corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the provisions of the By-Laws of the company and the Resolutions of the board of directors set forth in the Power of Attorney are now in force.

Signed and sealed at the City of Dallas this 27 day of Sept. 1985

SEAL

Assistant Secretary

087-6297

11765 (3-83)

THIS DOCUMENT IS PRINTED WITH A COLORED BACKGROUND

MECK COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH
RECEIVED
JAN 11 1985
ENVIRONMENTAL HEALTH

Date Received 1-11-85

ICAR(S) Application No. 21796

T. C. No. 227-141-40

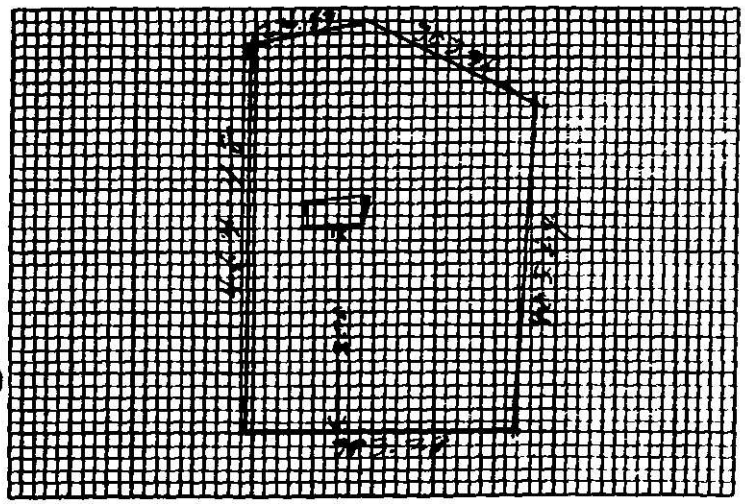
Map Date

MECKLENBURG COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

Application for an
Installation, Construction, Alteration, and/or Repair Permit
(Individual Septic Tank System with Subsurface, Soil Absorption, Effluent Discharge)

The owner of that property described hereinafter hereby applies to the Mecklenburg County Department of Environmental Health for a permit to:

1) ✓ Install or Construct 2) _____ Alter or Repair an individual septic tank wastewater treatment system with a subsurface, soil absorption, effluent discharge.



3) PLOT PLAN (ACCURATELY DIMENSIONED)

Mobile Home ____Yes ____No
Residence ✓Yes ____No

4) No. of Bedrooms 4
5) Business Use — Max No Employees _____
6) Washing Machine ✓Yes ____No
7) Garbage Disposal ✓Yes ____No
8) Dishwasher ✓Yes ____No
9) Water Supply
A) Individual Well ✓
B) Governmental System _____
C) Community System:
1. Well source _____
2. Governmental source _____
10) Sewage System:
House located within 200 feet of public sewer ____Yes ✓No
House located within 200 feet of community sewer ____Yes ✓No
11) FHA Case No. _____
12) VA Case No. _____

13) NAME OF OWNER J. Ken Williams Co Inc
LAST / FIRST MIDDLE

14) ADDRESS OF OWNER 1644 Hollow Vine

15) PHONE NO. Home 536 1788 Office 536-1788

16) LOCATION OF SYSTEM 3130 Old Pineville Rd
STREET OR COUNTY ROAD

17) SUBDIVISION Providence Plantation Lot No. 21 Block No. E

Map Book No. _____ Page No. _____

18) DEED REFERENCE — DEED BOOK _____ AT PAGE _____

19) HAS A SOIL INVESTIGATION BEEN RUN? ____YES ✓NO DATE RUN _____

20) PTR NUMBER (See Instructions) _____

The undersigned person hereby agrees that he has read the foregoing application and that the contents of same are true. It is understood that any permit applied for herein shall be void and of no effect if any of the above facts are not true.

DATE OF APPLICATION

OWNER J. K. Williams

BHD-E-76

Environmental Health Department's Copy

MECKLENBURG COUNTY
Department of Environmental Health

FILE NO. 21796

DATE 2-11-85

J. Ken Williams Company, Inc.
1644 Hollow Drive.
Charlotte, NC 28212

Re: Property located at 3130 Old Barn Road, TC# 227-141-40

Dear Sir:

At your request a soils investigation was conducted on the property designated above. Results of this investigation, showed the site to be classified unsuitable for the installation of a ground absorption sewage disposal system. A copy of the site evaluation report is enclosed for your information.

North Carolina General Statute 130A-335 and 10 NCAC 10A .1948 (c) provides that:

> Sites originally classified as UNSUITABLE may be used for soil absorption disposal systems, provided engineering, hydrogeologic, and soil studies indicate to the local health department that a suitable septic tank system or a suitable alternate system can reasonably be expected to function satisfactorily. Such sites may be reclassified as PROVISIONALLY SUITABLE upon submission to the local health department and when requested by the local health department to the state agency of the following:
>
> (1) Adequate substantiating data to indicate that a ground absorption system can be installed so that the effluent will receive adequate treatment;
>
> (2) Adequate substantiating data to indicate that the effluent will not contaminate any drinking water supply, ground water used for drinking water, or any surface water;
>
> (3) Adequate substantiating data to indicate that the effluent will not be exposed on the ground surface or be discharged to surface waters where it could come in contact with people, animals, or vectors.

Upon receipt of a request for reclassification as provided for above, the submission of plans and specifications for an applicable sewerage treatment system, and the approval of such system as submitted, the department will issue the appropriate permits.

If I may be of any assistance, please feel free to call.

Sincerely,

Bill D. Hardister, Jr.

Bill D. Hardister, Jr.
Environmental Health Supervisor

Enclosure

DEPARTMENT OF
ENVIRONMENTAL HEALTH
MECKLENBURG COUNTY,
NORTH CAROLINA

SITE EVALUATION

S.I.R. NO. 21796

T.C. NO. 224-141-40

(Ground Absorption Sewage Disposal)

OWNER: J. Ken Williams, Inc.
ADDRESS: 1644 Hollow Ln.
Charlotte, N.C. 28202
LOCATION OF SITE: Lake Brian Bear

PLAT NO: Lot 31-E
LOT SIZE: Approx 209,000 4.8

FACTORS	AREA 1	AREA 2	AREA 3	AREA 4
1. SLOPE (%)	S 2-3%	S complex slopes	S 2-10%	S
	PS	PS	PS	PS
	U	U	U	U
2. SOIL TEXTURE (12-36 inches) Sandy, Loamy, Clayey (Note 2-1 Clay)	S 2-1 clay	S —	S Some 2-1 clay	S
	PS	PS	PS	PS
	U	U	U	U
3. SOIL STRUCTURE (12-36 inches)	S weak Blocky	S —	S Blocky	S
	PS	PS	PS	PS
	U	U	U	U
4. SOIL DEPTH (inches)	S 15-20"	S —	S <30" 24-30"	S
	PS	PS	PS	PS
	U	U	U	U
5. RESTRICTIVE HORIZONS (Inches) (Impervious strata, Rock)	S saprolite <30"	S —	S <30"	S
	PS	PS	PS	PS
	U	U	U	U
6. SOIL DRAINAGE/GROUNDWATER (external and internal)	S Perched water 12-24"	S Areas channel collect Runoff	S Some Evidence of Perched water	S
	PS	PS	PS	PS
	U	U	U	U
7. OTHER (Specify)	S	S	S 24-30"	S
	PS	PS	PS Restricted Area	PS
	U	U	U	U
8. SOIL GROUP	16B	—	16A	
9. SITE CLASSIFICATION	unsuitable	unsuitable	unsuitable	
10. SOIL SERIES	Weber Helena	complex slopes	Cecil-Enon	

S - Suitable PS - Provisionally Suitable U - Unsuitable

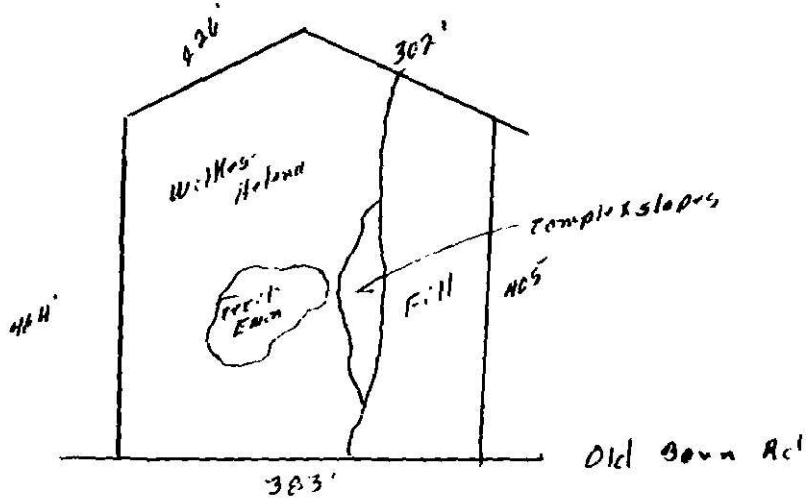
**See Diagram on Back (includes: soil areas, property lines, roads, streams, gullies, wet areas, fill areas, wells, water bodies, slopes)

Recommendations/Comments: See notes back

Described by: William R. Martin
Title: Soil Scientist

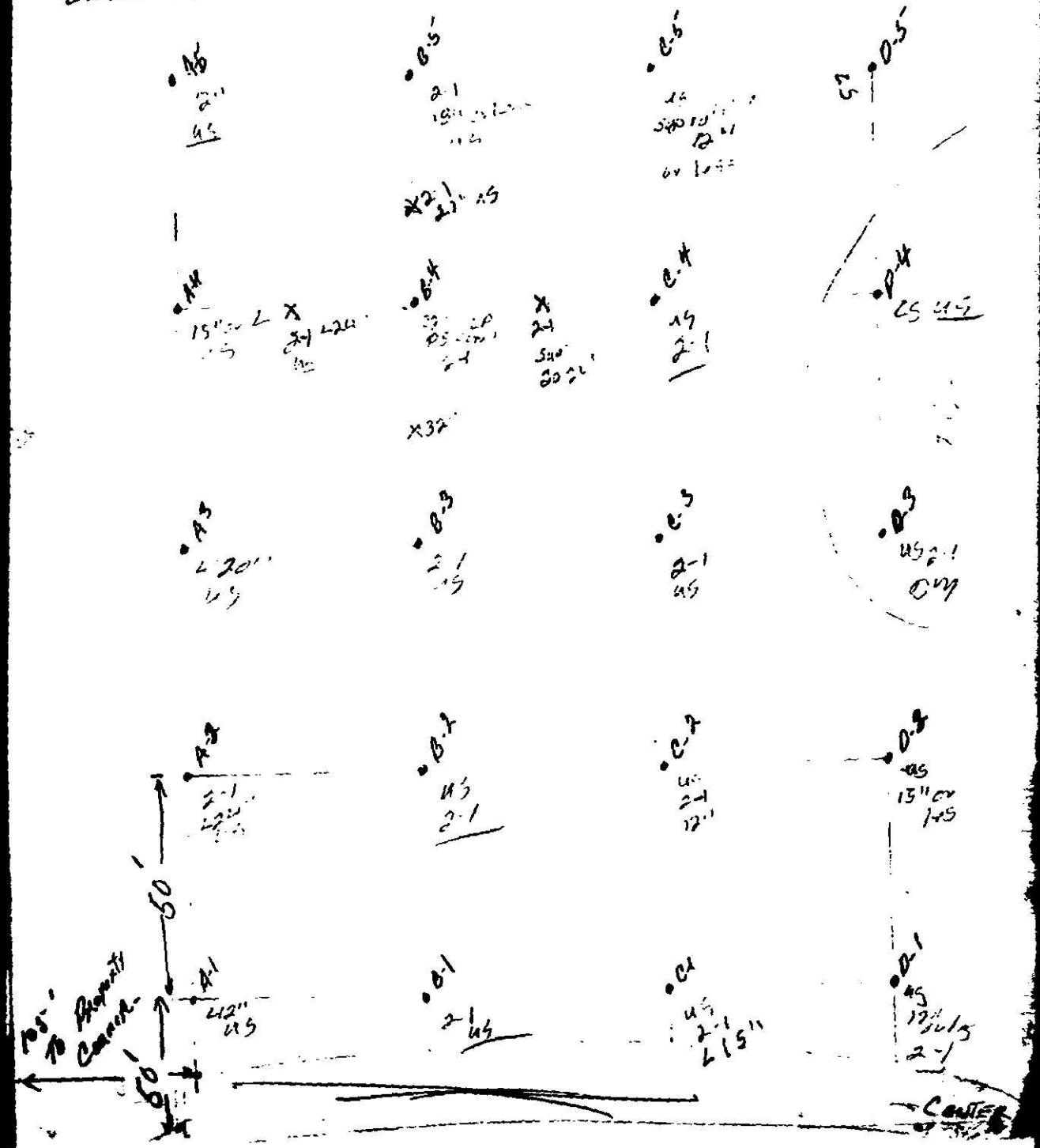
Date: 2-8-85

24



Grid set on lot - 150' x 200'
Area rechecked 9-5-85. Area of Cecil-Enon soils does not appear to be adequate for septic tank system installation. W.A. Marlin
9-5-85

copy of grid used on lot to check soils closer. [illegible]



Date Received 1-11-85

RECEIVED

SIR No. 21796

T. C. No. 217-14L-40

Map Date L

MECKLENBURG COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

APPLICATION FOR SOIL INVESTIGATION

1) NAME OF OWNER _____ (LAST) _____ (FIRST) _____ (MIDDLE)

2) ADDRESS OF OWNER _____ ZIP _____

3) PHONE NO. Home _____ Office _____

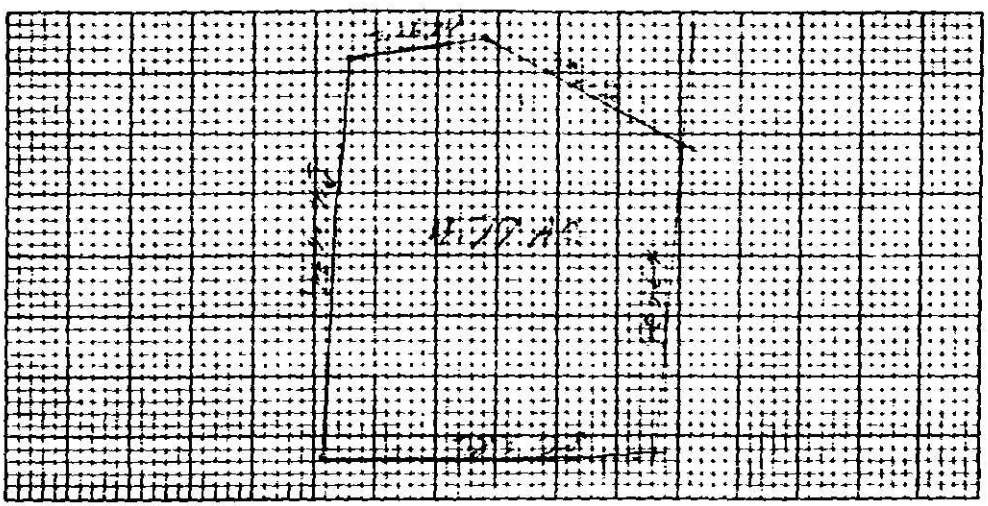
4) LOCATION OF PROPERTY _____ (STREET OR COUNTY ROAD)

5) SUBDIVISION _____ LOT NO _____ BLOCK NO. _____

MAP BOOK NO _____ PAGE NO. _____

6) DEED REFERENCE DEED BOOK _____ PAGE NO _____

Application is hereby made to the Mecklenburg County Department of Environmental Health for the conduct of a soil investigation and an on site inspection of the lot hereinabove described for the purpose of determining if the lot is suitable for the installation of an individual septic tank wastewater treatment system with subsurface, soil absorption, effluent discharge



7) ACCURATELY DIAGRAM & DIMENSION LOT

OWNER

EHD-S-76

Environmental Health Department's Copy