

ROLAND GAMMON
P.O. Box 28091
Raleigh, NC 27611

BK4128FG0543

NORTH CAROLINA
WAKE COUNTY

DECLARATION OF CROSS EASEMENT
AND CROSS PARKING

PRESENTED
REGISTRATION
OCT 13 11 02 AM '87
KENNETH W. WILKINS
REGISTRAR OF DEEDS
WAKE COUNTY

This Declaration made this the 12th day of October, 1987
by George Roland Gammon, III (hereinafter called "Gammon") with
his principal residence in Wake County, North Carolina.

W I T N E S S E T H:

1. That Gammon purchased seven tracts of land bounded by
Glenwood Avenue, Hillsborough Street, and Willard Place from
Cooper Square Associates, a North Carolina Limited Partnership
by deed dated December 31, 1986 filed in Book 3907, Page 88,
Wake County Registry, known as Cooper Square.
2. That Gammon submitted certain of those tracts for
subdivision and recombination on a map prepared by Paton/Zuchino
& Associates dated July 31, 1987.
3. That the Raleigh City Council approved that submittal
on October 6, 1987 (S-109-87) conditional that the cross-access
and parking agreements be reviewed and approved by the City
Attorney's Office prior to recordation of the final platt.

Whereas: Gammon has agreed with the City of Raleigh to
establish a cross easement and cross parking agreement for the
benefit of tracts 1 & 2 of the approved subdivision described
above to allow traffic serving either tract to park freely and
without restriction in the parking facilities of either

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tract; to further allow traffic to flow freely and without restriction from parking facilities on either tract to an exit on Willard Place as shown in a plan submitted by Paton/Zuchino & Associates dated July 31, 1987 and approved by the Raleigh City Council on October 6, 1987 (PA-95-87); and to provide for the maintenance of said parking facilities and the access drive from Willard Place.

NOW THEREFORE, in consideration of the premises and the sum of One Dollar and other good and valuable consideration received by Gammon, Gammon does hereby declare, convey, dedicate and restrict the tracts cited above and as shown on the Site Plan approved by the City of Raleigh (PA-95-87 and S-109-87) as drawn by Paton/Zuchino & Associates and dated July 31, 1987, the same being on file with the City of Raleigh's Planning Department, to the following:

1. That a cross easement and cross parking agreement are hereby established between the two tracts described above, for the mutual benefit and use by the owners of both tracts of land to enable the free and unrestricted use of parking facilities on either tract, to enable the unrestricted traffic flow through the parking lots contained on said tracts, and further that the owners of both tracts have the unrestricted use of the access drive off of Willard Place.

2. That the owners of both tracts shall be responsible for

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the maintenance and repair of the parking facilities and access drive on their respective tracts with each owner being able to repair the access drive and parking facilities on the adjacent tract in the event that the parking facilities and access drive are not repaired or maintained by the owner of said tract within a reasonable time. That the owner repairing or maintaining said adjacent tract has the right to contribution for the reasonable cost of said repair or maintenance from the owner of said adjoining tract, and, if not paid, to bring and maintain a suit for contribution.

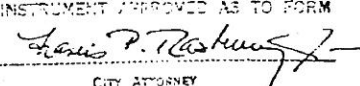
3. That these declarations shall run with the land and be binding on the successor and assigns of both tracts of land set out above.

4. 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 both tracts, and signed by the City of Raleigh as approving same. That the written approval, by the City of Raleigh, can be by a City of Raleigh's staff attorney.

Executed the day and year first above written.

G. Roland Gammon, III

THIS INSTRUMENT APPROVED AS TO FORM


LEWIS P. WESTBROOK
CITY ATTORNEY

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STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, Garle S. Johnson, a Notary Public in and for said county and state, do hereby certify that G. Roland Gannon III personally appeared before me this day and acknowledged the due execution of the foregoing Agreement.

Witness my hand and notarial seal this 15th day of OCTOBER, 1987.


Garle S. Johnson
Notary Public

My Commission Expires: 2-25-92

NORTH CAROLINA - WAKE COUNTY

The foregoing certificate is of _____

Garle S. Johnson Notary (ties) 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 Dorinda L. Boone
Deputy Register of Deeds