



FOR REGISTRATION REGISTER OF DEEDS
NEW HANOVER COUNTY, NC
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INSTRUMENT # 2004089244

~~_____~~ 2-25-2004

Drawn by:
RETURN TO JACKSON, MILLS & CARTER

STATE OF NORTH CAROLINA
COUNTY OF NEW HANOVER

FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND
RESTRICTIONS HIDDEN POINTE ON
THE LAKE, SECTION ONE

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, COASTAL CAROLINA DEVELOPERS, INC., a North Carolina corporation, is the developer of that certain subdivision in New Hanover County, North Carolina, known as HIDDEN POINTE ON THE LAKE, SECTION ONE, hereinafter referred to as the "Declarant"; and

WHEREAS, the map of HIDDEN POINTE ON THE LAKE, SECTION ONE, has been recorded in Map Book 44, at Page 331, in the office of the Register of Deeds for New Hanover County, North Carolina; and

WHEREAS, the Declaration of Restrictions for HIDDEN POINTE ON THE LAKE, SECTION ONE, (hereinafter referred to as the "Declaration") dated October 23, 2003 and recorded in Book 4065 at Page 0823-842 of the New Hanover County Registry, sets forth in ARTICLE IX provisions regarding, inter alia, allowable square footage for impervious surfaces; and

WHEREAS, the State of North Carolina is requiring that Declarant amend the Declaration as set forth hereinafter.

NOW, THEREFORE, Declarant does hereby amend said Declaration by deleting ARTICLE IX, Section 16 in its entirety and inserting in lieu thereof:

Section 16. The following covenants are intended to ensure ongoing compliance with State Stormwater Management Permit Number _____, as issued by the Division of Water Quality under NCAC 2H.1000. The State of North Carolina is made a beneficiary of these covenants to the extent necessary to maintain compliance with the stormwater management permit. **These covenants are to run with the land and be binding on all persons and parties claiming under them. The covenants pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality. Alteration of the drainage as shown on the approved plan may not take place without the concurrence of the Division on Water Quality.**

The maximum allowable built-upon area per lot is 4400 square feet. This allotted amount includes any built upon area constructed within the lot property boundaries, and that portion of the right-of-way between the front lot line and the edge of the pavement. Built upon area includes, but is not limited to, structures, asphalt, concrete, gravel, brick, stone, slate and coquina, but does not include raised, open wood decking to the

water surface of swimming pools. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with the development except for average driveway crossings, is strictly prohibited by any persons. Each lot will maintain a 30' wide vegetated buffer between all impervious areas and surface waters. All roof drains shall terminate at least 30' from the mean high water mark of surface waters. Filling in, piping or altering any designated 5:1 curb outlet swale associated with the development is prohibited by any persons. This project proposes a curb outlet system. Each designated curb outlet swale shown on the approved plan must be maintained at a minimum of 100' long with 5:1 (H:V) side slopes or flatter, have a longitudinal slope no steeper than 5% carry the flow from a 10 year storm in a non-erosive manner, and maintain a dense vegetated cover.

Any and all other terms, conditions or restrictions contained within the Declaration which conflict with any of the provisions of this Section 16 are to be deemed and interpreted in strict accord and harmony with the provisions of this Section 16.

IN TESTIMONY WHEREOF, the Declarant has caused this instrument to be executed, this the 24th day of February, 2004.

COASTAL CAROLINA DEVELOPERS, INC.

ATTEST:

Robin G. Tinney
ROBIN G. TINNEY, ~~Secretary~~

BY: B. Leon Skinner
B. LEON SKINNER, Vice-President

(AFFIX CORPORATE SEAL)

STATE OF NORTH CAROLINA

COUNTY OF NEW HANOVER

I, CHERYL C. FOREMAN, a Notary Public of said County and State, do hereby certify that Robin G. Tinney personally came before me this day and acknowledged that she is Secretary of COASTAL CAROLINA DEVELOPERS, INC., and that, by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Vice-President, sealed with its corporate seal, and attested by herself as its Secretary.

WITNESS my hand and notarial seal this 24th day of FEBRUARY, 2004.

Cheryl C. Foreman
Notary Public

My Commission Expires:

Sept. 11, 2015

(AFFIX NOTARIAL SEAL)

