



Sean Scanlon

total 26 Rev 1144 Int 1144
 Ck \$ 26 Ck # 1144 Cash \$ 1144

Refund: _____ Cash \$ _____ Finance _____

Portions of document are illegible due to condition of original.

* Document contains seals verified by original document that were not copied.

**AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
 FOR TIDEWATER AT OCEAN ISLE**

Prepared by: BaxleySmithwick PLLC
 PO Box 36, Shallotte, NC 28459

This AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIDEWATER AT OCEAN ISLE (Amendment") is made this 16th day of October, 2015, by **EDGEWATER PROPERTY GROUP, LLC**, a North Carolina limited liability company ("Declarant").

WITNESSETH

WHEREAS, Declarant heretofore amended the original Declaration of Covenants, Conditions and Restrictions for Tidewater at Ocean Isle (said original Declaration being recorded in Book 2725 at Page 171 of the Brunswick County Registry) by Amendments dated October 17, 2013, recorded in Book 3465 at Page 353 and May 5, 2014, recorded in Book 3524 at Page 238, of the Brunswick County Registry (collectively the "Declaration");

WHEREAS, it is reasonable, necessary and proper to further amend the Declaration to account for and incorporate certain changes to the maximum allowable Built-Up-on Area ("BUA") of certain lots by virtue of a revision to Stormwater Management Permit Number SW8060733, issued by the North Carolina Department of Environment and Natural Resources on August 31, 2015;

WHEREAS, Declarant is holder of Declarant Rights under the Declaration has the right to further amend the Declaration pursuant to Articles X and XIV of the Declaration to



make this amendment;

NOW, THEREFORE, accordance with its rights under Article X and XIV of the Declaration, Declarant hereby amends the Declaration as follows:

1. Article XII Section (c) of the Declaration is revoked and deleted in its entirety and replaced by the following new Article XII Section (c) which is adopted and enacted in lieu of and in the place instead thereof:

(c) The following restrictions in this Section shall apply to all property in Tidewater at Ocean Isle:

(1) These restrictions in this Article XII are intended to ensure ongoing compliance with State Stormwater Management Permit Number SW8060733, as issued by the Division of Water Quality under NCAC 2H.1000 and any subsequent issued permits or modifications thereof (the "Permit").

(2) The State of North Carolina is made a beneficiary of the covenants contained in this Article XII to the extent necessary to maintain compliance with the Permit.

(3) These covenants are to run with the land and be binding on all persons and parties claiming under them.

(4) The covenants contained in these restrictions pertaining to stormwater may not be altered or rescinded without the express written consent of the State of North Carolina, Division of Water Quality, or its successor agency.

(5) Alteration of the drainage as provided in the Permit may not take place without the concurrence of the Division of Water Quality, or its successor agency.

(6) The maximum allowable built-upon area per Lot, in square feet, is as allocated and shown in Attachment A which is incorporated herein by reference.

These allotted amounts include 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, or the water surface of swimming pools.

(7) 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.

(8) Lots within CAMA's Area of Environmental Concern may have the permitted built-upon area reduced due to CAMA jurisdiction within the AEC.

(9) Each lot will maintain a 30 foot wide vegetated buffer between all impervious areas and surface waters.

(10) All roof drains shall terminate at least 30 feet from the mean high water mark of surface waters.

2. In all other respects the Declaration as heretofore amended and further amended by this Amendment is ratified and confirmed by Declarant.

In Witness whereof, Declarant has caused this Amendment to be executed by its duly authorized manager the day and year first above written.

EDGEWATER PROPERTY GROUP, LLC

By: SEAN SCANLON, Manager

STATE OF NORTH CAROLINA
COUNTY OF BRUNSWICK

I certify that the following person personally appeared before me this day, acknowledging to me that he voluntarily signed the foregoing document for the purposes stated therein and in the capacity indicated: **SEAN SCANLON, Manager, Edgewater Property Group, LLC.**

Date: 10-16-15

Sandra M. Johnson
Notary Public's signature
Notary's Printed Name: SANDRA N JOHNSON
My Commission Expires: 4-15-2017

SANDRA N. JOHNSON
Notary Public, North Carolina
Brunswick County
My Commission Expires



Attachment A – Built-Upon Area (BUA) Allocations

Lot #.	BUA, sf
1	2,600
2	2,600
3	2,600
4	1,898
5	2,600
6	2,600
7	2,600
8	2,600
9	2,600
10	2,600
11	2,600
12	2,600
13	2,600
14	2,600
15	2,600
16	2,600
17	3,000
18	2,200
19	2,200
20	0
21	0
22	0
23	2,900
24	2,900
25	2,900
26	2,200
27	2,900
28	3,500
29	2,900
30	2,900
31	2,900
32	2,200
33	0
34	1,898
35	1,898
36	0
37	3,700
38	3,500
39	2,900

Lot #	BUA, sf
40	1,898
41	0
42	3,310
43	1,898
44	2,900
45	0
46	2,900
47	2,900
48	0
49	2,900
50	2,900
51	3,500
52	2,900
53	2,900
54	2,200
55	2,900
56	2,900
57	0
58	2,900
59	0
60	2,900
61	2,700
62	2,900
63	2,900
64	2,800
65	2,800
66	2,800
67	2,800
68	2,800
69	2,800
70	2,800
71	2,800
72	0
73	2,800
74	2,800
75	2,800
76	2,800
77	0
78	2,800
Total	180,000