



Return to Sean Scanlon # MS  
 Total 26 Rev \_\_\_\_\_ Int. 8.00  
 Ok \$ \_\_\_\_\_ Ck # \_\_\_\_\_ Cash \$ 40  
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**AMENDMENT TO  
 DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
 FOR TIDEWATER AT OCEAN ISLE**

Prepared by: Sean. D. Scanlon  
 PO Box 319, Wrightsville Beach, NC 28480

This AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR TIDEWATER AT OCEAN ISLE ("Amendment") is made this 20<sup>th</sup> day of October 2021, 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; May 5, 2014, recorded in Book 3524 at page 238; and, October 16<sup>th</sup>, 2015, recorded in Book 3699 at Page 312; and, December 30, 2015, recorded in Book 3723 at Page 1178, 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 SW8 060733, issued by the North Carolina Department of Environment and Natural Resources on August 11, 2021;

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, THERERFORE, accordance with its rights under Article X and Article 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 #SW8 060733, as issued by the Department 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 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 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 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 water surfaces of pools.

(7) Filling 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.

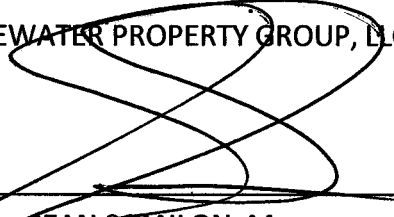
(10) All roof drains shall terminate at least 30 feet from the mean high water mark of surface waters.



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

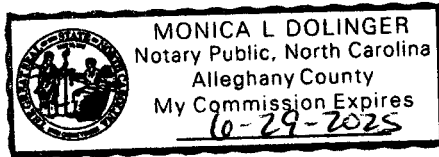
STATE OF NORTH CAROLINA

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: October 20, 2021

  
Notary Public's Signature



Monica L Dolinger  
Notary's Printed Name

My Commission Expires June 29, 2025

**Attachment A-Built Upon Area (BUA) Allocations**  
**Tidewater At Ocean Isle - Lot Impervious/Trench Exhibit**

Lot #	Impervious (sf)	Trench (lf)
1	2,600	109
2	2,600	109
3	2,600	109
4	1,898	80
5	2,600	109
6	2,600	109
7	2,600	109
8	2,600	109
9	2,600	109
10	2,600	109
11	2,600	109
12	2,600	109
13	2,600	109
14	2,600	109
15	2,600	109
16	2,600	109
17	3,000	100
18	2,200	100
19	2,200	93
20	0	0
21	0	0
22	0	0
23	2,900	122
24	2,900	122
25	2,900	122
26	2,754	116
27	2,900	100
28	3,500	100
29	2,900	122
30	2,900	100
31	2,900	100
32	2,200	93
33	0	0
34R	3,796	160
35	0	0
36	0	0
37	0	0
38R	6,200	215
39	2,900	100

Lot #	Impervious (sf)	Trench (lf)
40	2,754	116
41	0	0
42	2,900	122
43	1,898	80
44	5,733	241
45	0	0
46	2,867	121
47	2,867	121
48	5,733	241
49	0	0
50	2,900	122
51	3,500	100
52	2,900	100
53	2,900	122
54	2,200	93
55	2,900	122
56	2,900	122
57	0	0
58	2,900	122
59	0	0
60	2,900	122
61	2,700	114
62	2,900	122
63	2,900	122
64R	2,800	118
65	0	0
66	2,800	118
67	2,800	118
68	2,800	118
69	0	0
70	2,800	118
71	2,800	118
72	0	0
73	2,800	118
74	2,800	118
75	2,800	118
76	2,800	118
77	0	0
78	2,800	118
<b>Total</b>	<b>180,000</b>	<b>7,302</b>



**B4748 P0479** 11-19-2021 14:19:38.000  
 Brenda M. Clemmons PROP  
 Brunswick County, NC Register of Deeds page 4 of 4