

June 24, 2013

Mr. Dave Shaeffer
US Army Corps of Engineers
Raleigh Regulatory Field Office
3331 Heritage Trade Drive
Suite 105
Wake Forest, NC 27587

Re: ±17 acre Dixon Tract – Lazy Dee Drive
W&R Project # 02130141.00

Mr. Shaeffer:

This letter constitutes a request for a jurisdictional determination for a ±17 acre project, consisting of 2 parcels, in Cary, Wake County. The subject property is located at 1028 Lazy Dee Drive in Cary.

Enclosed with this letter are the agent authorization form, a copy of the purchase contract documenting authorization to access the property, and documentation supporting our determination of a lack of jurisdictional features on the subject property. Please contact me to schedule a site visit to verify the wetland delineation.

Sincerely,



Troy Beasley
Environmental Scientist
Withers and Ravenel

JD Request Information

Dixon Tracts – Lazy Dee Drive

Applicant - Orleans Homes
Larry Witek – Director of Land Development
211 James Jackson Avenue
Cary, NC 27513

Property Owner – Leland & Nancy Dixon
1028 Lazy Dee Drive
Cary, NC 27519

Written Authorization – See attached Agent Authorization Form and Purchase Contract for site access authorization.

County – Wake

City/Municipality – Cary

PIN – 0724471697 (RE ID: 0150610)
0724473401 (RE ID: 0025710)

Physical Address – 1028 Lazy Dee Drive, Cary

Drainage Basin – Cape Fear/Jordan Lake (HUC: 03030002)

Nearest Waterbody – Indian Creek (Stream Index: 16-41-1-17-(1))

HUC – Cape Fear - 03030002

Decidegrees – 35.803311°N; -78.918831°W

USGS Quad Map – Green Level Quad

Soils Map – Wake Co. Soil Survey – Sheet 45

Total Area – ±17 acres

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned contract purchaser Orleans Homes (Client) does hereby appoint Troy Beasley / Withers & Ravenel, Inc. as his, her, or it's agent for the purpose of petitioning the appropriate local, state and federal environmental regulatory agencies (US Army Corps of Engineers, NC Division of Water Quality, NC Division of Coastal Management, etc.) for: a) review and approval of the jurisdictional boundaries of onsite jurisdictional areas (wetlands, streams, riparian buffers, etc.) and/or; b) preparation and submittal of appropriate environmental permit applications/requests for the Dixon Tracts (Real Estate ID #s 0025710; 0150610).

The Client does hereby authorize that said agent has the authority to do the following acts on behalf of the owner:

- (1) To submit appropriate requests/applications and the required supplemental materials;
- (2) To attend meetings to give representation on behalf of the Client.
- (3) To authorize access to subject property for the purpose of environmental review by appropriate regulatory agencies.

This authorization shall continue in effect until completion of the contracted task or termination by the Client.

Agent's Name, Address & Telephone:

Troy Beasley / Withers & Ravenel, Inc.

1410 Commonwealth Drive, Suite 101

Wilmington, NC 28403

Tel. (910) 256-9277

Date: 5-15-2013

Signature of Client:

LARRY WITEK, DIR. OF LAND DEV.
(Name - Print) (Title)

Larry Witek
(Signature)

211 JAMES JACKSON AVE.

Mailing Address

CARY, NC 27513
City State Zip

Phone: (919) 337-5558

Email: LWITEK@ORLEANSHOMES.COM

CONTRACT OF SALE

Dixon Property 13.3 acres

This Contract of Sale (this "Contract") is entered into by and between **PARKER & ORLEANS HOMEBUILDERS, INC.**, a Delaware corporation ("Purchaser"), and **LELAND A. DIXON, JR.** and **LISA DIXON**, residents of Wake County, North Carolina (herein referred to individually and collectively as "Seller"), as of the latest date appearing on the signature page this Contract (the "Effective Date").

RECITALS

A. Seller is the fee simple owner of four undeveloped parcels of land containing approximately thirteen and 1/3 (13.3) acres and having Parcel I.D. Numbers 0724-47-9126, 0724-57-0236, 0724-57-0229 and 0724-47-3401, and being all of Lots 1 and 2 as shown on the map recorded in Book of Maps 2013, Pages 82-83, Wake County Registry, attached hereto and incorporated herein as Exhibit A, located in the Town of Cary (the "Town"), White Oak Township, Wake County (the "County"), North Carolina (the "Property").

B. Seller desires to sell and Purchaser desires to purchase the Property together with improvements thereon and appurtenances thereto, subject to the terms and conditions set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Purchaser and Seller hereby agree as follows:

1. Exhibits. The following exhibits are attached to and made part of this Contract.
 - 1.01. Exhibit A – Book of Maps 2013, Pages 82-83, Wake County Registry
 - 1.02. Exhibit B – General Assignment
 - 1.03. Exhibit C – Memorandum of Contract
2. Definitions. The following terms shall have the meanings indicated for all purposes affecting this Contract.
 - 2.01. Closing. The term "**Closing**" shall mean the act of settlement of the purchase and sale of the Property, or any part thereof, at which title is conveyed from Seller to Purchaser in accordance with the terms and provisions of this Contract. Provided that all terms and conditions of this Contract have been satisfied, Closing shall be the earlier of the following:
 - (a) that date which is thirty (30) days after Construction Plan Approval (defined herein), or
 - (b) that date which is twelve (12) months from the Effective Date.

reports, permits and approvals issued by Governmental Authorities regarding the Property, and all design drawings, specifications, sketches, surveys, studies, tests, plans, cost estimates and analyses relating in any way to the Property, that are in Seller's possession or are reasonably available to Seller. Purchaser is authorized to use any such material to Purchaser's benefit in developing the Property, without additional compensation to Seller but Seller does not offer any representation or warranty as to the accuracy of the information contained in such material.

7. Feasibility Studies. From and after the Effective Date, Purchaser, its authorized agents and employees, as well as others authorized by Purchaser have the right, at Purchaser's expense and discretion, to go upon the Property and make such surveying, environmental, architectural, engineering, topographical, geological, soil and other tests, borings, studies and measurements as Purchaser deems necessary or desirable to thoroughly review and examine the Property. Purchaser shall reasonably restore any disturbance to the Property caused by its acts and to the extent practicable, Purchaser shall minimize the disturbance to the Property.

Purchaser shall indemnify, defend and hold Seller harmless from and against any and all claims for payment by persons who conduct Feasibility Studies for or on behalf of Purchaser (and Purchaser promptly shall have terminated all liens filed against Seller and/or the Property by any such persons), claims for damages, or other remedy or relief, causes of actions, costs, losses, expenses and liabilities, including costs of defending against claims or causes of action, and including reasonable attorney fees, arising out of or resulting from the Feasibility Studies of Purchaser, whether the same occurred before or after the Date of Execution of this Contract and regardless of whether the Feasibility Studies were conducted by Purchaser or by another person for or on behalf of Purchaser. Provided, however, and notwithstanding anything to the contrary appearing herein, Purchaser shall have no obligation to indemnify, defend or hold Seller harmless in connection with, nor to repair any damage or condition attributable in whole or in part to, any one or more of the following: (i) the discovery of any hazardous materials or substances on the Property (excluding any placed on the Property by Purchaser or any officer, director, owner, partner, member, manager, employee, agent, contractor, or subcontractor of Purchaser); (ii) the spread of any hazardous materials or substances already present on the Property, despite the use of reasonable care not to spread such materials or substances; (iii) any pre-existing latent defect in the Property; or (iv) the acts or omissions of Seller or any of Seller's officers, directors, owners, partners, members, managers agents, employees, or contractors.

Prior to conducting any Feasibility Studies on the Property, Purchaser shall provide to Seller evidence of commercial general liability insurance in an amount not less than \$1,000,000 per occurrence that insures either Purchaser and/or the contractor, subcontractor, agent, or representative of Purchaser who is/are conducting the Feasibility Studies, together with evidence that Seller has been named as an additional insured in said policy or policies. All Feasibility Studies shall be conducted by, for, or on behalf of Purchaser in a manner that does not unreasonably interfere with the use and enjoyment of the Property by Seller or neighboring property owners. To the extent reasonably possible, Purchaser shall conduct Feasibility Studies on the Property between 7:00 a.m. and 8:00 p.m. Monday through Saturday.

8. Title.

Executed as of the last of the dates indicated below, which date shall be deemed the "Effective Date" hereof.

PURCHASER:

PARKER & ORLEANS HOMEBUILDERS, INC.,
a Delaware corporation

By: *Mitchell W. Sanner III*
Name: *Mitchell W. Sanner III*
Title: *Mitchell W. Sanner III* President

Date Signed: _____

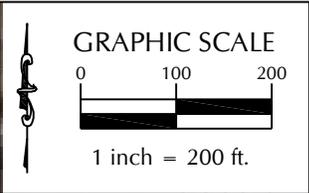
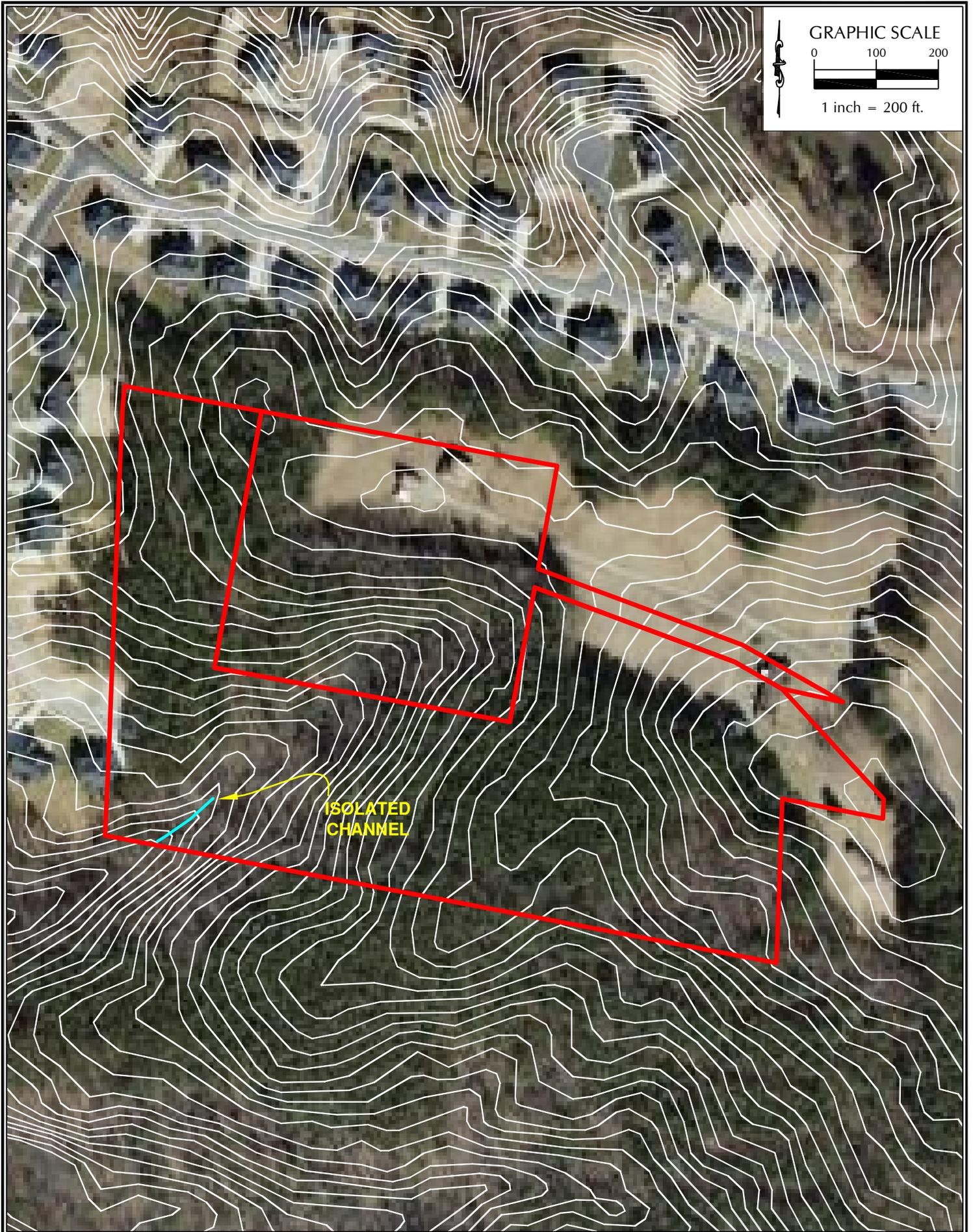
SELLER:

Leland A. Dixon, Jr. (Seal)
Leland A. Dixon, Jr.

Date Signed: *4-22-13*

Lisa Dixon (Seal)
Lisa Dixon

Date Signed: *4-22-13*



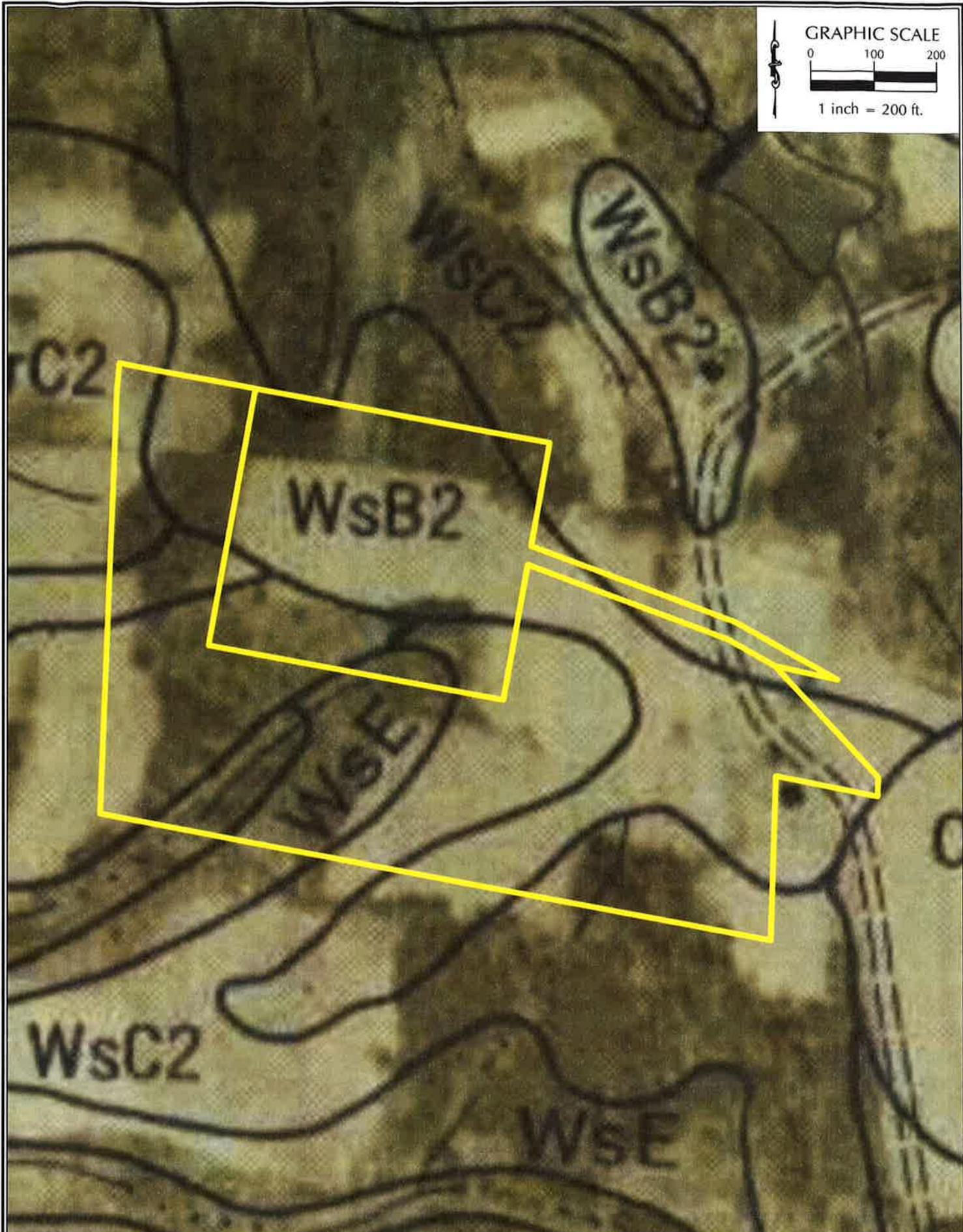
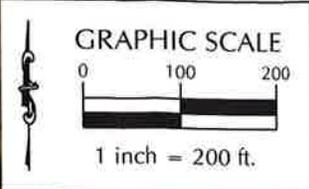
ISOLATED CHANNEL



DIXON TRACTS

USGS QUAD - GREEN LEVEL

WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS



DIXON TRACT

WAKE CO. SOIL SURVEY
SHEET 45

WITHERS & RAVENEL
ENGINEERS | PLANNERS | SURVEYORS

Upland Data Form - No Wetlands on-site

WETLAND DETERMINATION DATA FORM – Eastern Mountains and Piedmont

Project/Site: Dixon Tract City/County: Cary, Wake County Sampling Date: 10/12/12
 Applicant/Owner: O'Learys Homebuilders, INC State: NC Sampling Point: DP2
 Investigator(s): Todd Provinger - WTR Section, Township, Range: none
 Landform (hillslope, terrace, etc.): _____ Local relief (concave, convex, none): none Slope (%): < 5
 Subregion (LRR or MLRA): LRR P Lat: 35.802981° N Long: -78.918219° W Datum: NAD83
 Soil Map Unit Name: White Store Sandy Loam 10-20 NWI classification: - upland
 Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____ Hydric Soil Present? Yes _____ No <input checked="" type="checkbox"/> Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/>	Is the Sampled Area within a Wetland? Yes _____ No <input checked="" type="checkbox"/>
Remarks: <p align="center"><i>Sampling point in low area along draw</i></p>	

HYDROLOGY

<p>Wetland Hydrology Indicators:</p> <p><u>Primary Indicators (minimum of one is required; check all that apply)</u></p> <p> <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> True Aquatic Plants (B14) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9) <input type="checkbox"/> Aquatic Fauna (B13) </p>	<p><u>Secondary Indicators (minimum of two required)</u></p> <p> <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input checked="" type="checkbox"/> FAC-Neutral Test (D5) </p>
<p>Field Observations:</p> <p>Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (Inches): _____</p> <p>Water Table Present? Yes _____ No <input checked="" type="checkbox"/> Depth (Inches): <u>> 18</u></p> <p>Saturation Present? Yes _____ No <input checked="" type="checkbox"/> Depth (Inches): <u>> 12</u> (includes capillary fringe)</p>	<p>Wetland Hydrology Present? Yes _____ No <input checked="" type="checkbox"/></p>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:	
Remarks: <p align="center"><i>Wetland hydrology absent</i></p>	

VEGETATION (Four Strata) – Use scientific names of plants.

Sampling Point: DPA

Tree Stratum (Plot size: <u>15' radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet:	
1. <u>Acer rubrum</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>	Number of Dominant Species That Are OBL, FACW, or FAC: <u>8</u> (A) Total Number of Dominant Species Across All Strata: <u>8</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)	
2. <u>Liriodendron tulipifera</u>	<u>20</u>	<u>Y</u>	<u>FAC</u>		
3. <u>Liquidambar styraciflua</u>	<u>15</u>	<u>Y</u>	<u>FAC</u>		
4. <u>Platanus occidentalis</u>	<u>5</u>	<u>N</u>	<u>FACW</u>		
5. _____	_____	_____	_____	Prevalence Index worksheet: Total % Cover of: _____ Multiply by: _____ OBL species _____ x 1 = _____ FACW species _____ x 2 = _____ FAC species _____ x 3 = _____ FACU species _____ x 4 = _____ UPL species _____ x 5 = _____ Column Totals: _____ (A) _____ (B) Prevalence Index = B/A = _____ Hydrophytic Vegetation Indicators: ___ 1 - Rapid Test for Hydrophytic Vegetation <input checked="" type="checkbox"/> 2 - Dominance Test is >50% ___ 3 - Prevalence Index is ≤3.0 ¹ ___ 4 - Morphological Adaptations ¹ (Provide supporting data in Remarks or on a separate sheet) ___ Problematic Hydrophytic Vegetation ¹ (Explain) ¹ Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic. Definitions of Four Vegetation Strata: Tree – Woody plants, excluding vines, 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height. Sapling/Shrub – Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1 m) tall. Herb – All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft tall. Woody vine – All woody vines greater than 3.28 ft in height.	
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
12. _____	_____	_____	_____		
Sapling/Shrub Stratum (Plot size: <u>15' radius</u>) <u>60</u> = Total Cover					
1. <u>Liriodendron tulipifera</u>	<u>5</u>	<u>Y</u>	<u>FAC</u>		
2. <u>Liquidambar styraciflua</u>	<u>3</u>	<u>Y</u>	<u>FAC</u>		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
12. _____	_____	_____	_____		
Herb Stratum (Plot size: <u>NA</u>) <u>8</u> = Total Cover					
1. _____	_____	_____	_____		
2. _____	_____	_____	_____		
3. _____	_____	_____	_____		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
7. _____	_____	_____	_____		
8. _____	_____	_____	_____		
9. _____	_____	_____	_____		
10. _____	_____	_____	_____		
11. _____	_____	_____	_____		
12. _____	_____	_____	_____		
Woody Vine Stratum (Plot size: <u>5' radius</u>) _____ = Total Cover					
1. <u>Lonicera japonica</u>	<u>3</u>	<u>Y</u>	<u>FAC</u>		
2. <u>Vitis rotundifolia</u>	<u>2</u>	<u>Y</u>	<u>FAC</u>		
3. <u>Toxicodendron radicans</u>	<u>2</u>	<u>Y</u>	<u>FAC</u>		
4. _____	_____	_____	_____		
5. _____	_____	_____	_____		
6. _____	_____	_____	_____		
<u>7</u> = Total Cover					
Remarks: (Include photo numbers here or on a separate sheet.) <p style="font-size: 1.2em; font-family: cursive;">Hydrophytic veg. present</p>					
Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No _____					

SOIL

Sampling Point: DP2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (Inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-10	10YR 4/4	100					SCL	
10-14	10YR 5/4	100					SCL	

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, MS=Masked Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:		Indicators for Problematic Hydric Soils ³ :	
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Dark Surface (S7)	<input type="checkbox"/> 2 cm Muck (A10) (MLRA 147)	<input type="checkbox"/> Coast Prairie Redox (A16) (MLRA 147, 148)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Polyvalue Below Surface (S8) (MLRA 147, 148)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 136, 147)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Thin Dark Surface (S9) (MLRA 147, 148)	<input type="checkbox"/> Very Shallow Dark Surface (TF12)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)		
<input type="checkbox"/> 2 cm Muck (A10) (LRR N)	<input type="checkbox"/> Depleted Matrix (F3)		
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F8)		
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)		
<input type="checkbox"/> Sandy Mucky Mineral (S1) (LRR N, MLRA 147, 148)	<input type="checkbox"/> Redox Depressions (F8)		
<input type="checkbox"/> Sandy Gleyed Matrix (S4)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR N, MLRA 136)		
<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> Umbric Surface (F13) (MLRA 136, 122)		
<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 148)		

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (Inches): _____

Hydric Soil Present? Yes _____ No

Remarks:
Hydric soils absent

NC DWQ Stream Identification Form Version 4.11

Date: 10/12/13	Project/Site: Dixon Tract	Latitude:
Evaluator: TP-W&R	County: Wake	Longitude:
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$ 18	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 10.5)

	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5.5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 2)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: Channel disappears at property line and does not re-channelize for at least 200-300 ft

Disappears at prop line