

**NORTHAMPTON COUNTY
REGULAR SESSION
May 15, 2017**

Be It Remembered that the Board of Commissioners of Northampton County met on May 15, 2017, with the following present: Fannie Greene, Chester Deloatch, Charles Tyner, Geneva Faulkner, and Robert Carter.

Others Present: Kimberly Turner, Scott McKellar, Nathan Pearce and Komita Hendricks

A motion was made by Charles Tyner and seconded by Chester Deloatch to table Closed Session G.S. 143-318.11 (a)(5) until the close of regular session. **Question Called: All present voting yes. Motion carried.**

Chairman Carter called the meeting to order.

Agenda Work Session:

A work session was held to discuss today's agenda items. Chairman Carter called upon County Manager, Kimberly Turner, for input. Ms. Turner had no changes. Chairman Carter called upon Commissioners for input. Commissioners had no changes.

Regular Session:

Chairman Carter called the meeting to order, welcomed everyone, and announced when citizens could make comments. Commissioner Greene gave the Invocation and the Pledge of Allegiance was recited.

Approval of Regular Session Minutes for May 1, 2017:

A motion was made by Chester Deloatch and seconded by Fannie Greene to approve the Regular Session Minutes for May 1, 2017. **Question Called: All present voting yes. Motion carried.**

Approval of Closed Session Minutes for May 1, 2017:

A motion was made by Charles Tyner and seconded by Chester Deloatch to approve the Closed Session Minutes for May 1, 2017. **Question Called: All present voting yes. Motion carried.**

Approval of Agenda for May 15, 2017:

A motion was made by Fannie Greene and seconded by Chester Deloatch to approve the agenda for May 15, 2017. **Question Called: All present voting yes. Motion carried.**

Geneva Faulkner entered the meeting at this time.

Appointment to the Agricultural Advisory Board:

Mrs. Beth Burchell, Northampton County Cooperative Extension Service, appeared before the Board to obtain approval of four reappointment and two new members to the Agricultural Advisory Board.

A motion was made by Geneva Faulkner and seconded by Fannie Greene to approve the reappointments of Mr. Mike Belch, Mr. Joe Martin, Mr. Ellis Taylor, and Mrs. Kay Winn and the new appointments of Mr. Gene Bennett and Mr. Tommy Flythe to the Agricultural Advisory Board. **Question Called:** *All present voting yes.* **Motion carried.**

**PLEASE SEE SCANNED DOCUMENTS WHICH ARE
HEREBY MADE A PART OF THESE MINUTES:**

Decision Paper

To: Northampton County Board of Commissioners
From: Beth Burchell, Northampton County Cooperative Extension Service
Date: April 26, 2017
Subject: Appointments to the Agricultural Advisory Board

PURPOSE:

To secure the reappointment of four (4) members and the appointment of two (2) new members to the Agricultural Advisory Board (AAB) by the Northampton County Board of Commissioners.

FACTS:

1. The members of the Northampton County Agricultural Advisory Board are appointed by the Northampton County Board of Commissioners pursuant to the Voluntary Agricultural District (VAD) ordinance.
2. The VAD ordinance establishes a three (3) year staggered term of office for members of the AAB, with four member representatives of the four (4) regions identified in the VAD ordinance, two (2) at-large members and one (1) county commissioner.
3. The Terms of four (4) members have expired.
4. Mr. Mike Belch's term has expired. Mr. Belch farms in the Seaboard area.
5. Mr. Joe Martin's term has expired. Mr. Martin farms in the Conway area.
6. Mr. Ellis Taylor's term has expired. Mr. Taylor farms in the Gaston area.
7. Mrs. Kay Winn's term has expired. Mrs. Winn farms in the Rich Square area.
8. Mr. Gene Bennett farms in the Rich Square area. He will be new to the board.
9. Mr. Tommy Flythe farms in the Seaboard area. He will be new to the board.

RECOMMENDATION:

The AAB recommends the reappointment of Mr. Mike Belch, Mr. Joe Martin, Mr. Ellis Taylor and Mrs. Kay Winn and the new appointments of Mr. Gene Bennett and Mr. Tommy Flythe the AAB.

Decision Paper: Appointment to the Agricultural Advisory Board
April 26, 2017
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ROUTED FOR CONCURRENCE/COMMENT TO:

Ms. Kimberly Turner, Northampton County Manager

Concur: Kimberly Turner Non-Concur: _____

Comment: _____

ACTION BY THE DECISION MAKER:

APPROVED: _____ DISAPPROVED: _____

OTHER (SPECIFY): _____

SIGNATURE/DATE: _____



Resolution for Severn Peanut Building Reuse Grant Application:

Mr. Gary Brown, Northampton County Economic Development Commission, appeared before the Board to obtain approval of a resolution supporting the award of \$210,000 building Reuse Grant from the North Carolina Department of Commerce to Severn Peanut Company, and acknowledging the County's five percent match to the State award.

A motion was made by Fannie Greene and seconded by Chester Deloatch to approve the resolution endorsing the Building Reuse Grant application on behalf of Severn Peanut and acknowledging the County's local match requirement and authorizing the Chairman, the County Manager and other staff as appropriate to execute all subsequent related documents as may be necessary to administer the project. **Question Called: All present voting yes. Motion carried.**

**PLEASE SEE SCANNED DOCUMENTS WHICH ARE
HEREBY MADE A PART OF THESE MINUTES:**

Decision Paper

To: Northampton County Board of Commissioners
From: Gary Brown, Northampton County Economic Development Commission
Date: May 8, 2017
Subject: Expansion of Severn Peanut Company Roasting & Processing Operations
Building Reuse Grant Application To The North Carolina Department of Commerce
Resolution of Support, Local 5% Matching Funds

PURPOSE:

To secure approval of the Northampton County Board of Commissioners of a Resolution supporting the award of a \$210,000 Building Reuse Grant from the North Carolina Department of Commerce to Severn Peanut Company, and acknowledging the county's five percent (5%) match to that State award.

FACTS:

1. Severn Peanut Company is expanding/renovating the company's in-shell roasting operations on the company's manufacturing campus in Severn. A portion of the existing processing facility has been degraded over the years largely by the salt processing operations, is being demolished, with a new building to be constructed with new capital equipment installed. Capital costs for the new building and new equipment will exceed \$5,000,000. The project will result in the creation of twenty-one (21) new full-time jobs with average wages of \$31,900 annually with anticipated additional ad valorem tax revenues of approximately \$47,500.
2. In collaboration with the Northampton County Economic Development Commission (NCEDC) and the Economic Development Partnership of North Carolina (EDPNC) the Company submitted an initial application to the North Carolina Department of Commerce (NCDOC) for participation in the state's Building Reuse Program, which provides state grant funding of up to \$10,000 per job created for qualifying projects.
3. Subsequently, the Company and the County have been invited to submit a full application. As a part of that full application, the County is required to submit a resolution endorsing the project and acknowledging the five-percent (5%) local match requirement which, for this project equates to \$10,500.
4. Consistent with requirements of the North Carolina Department of Commerce, Building Reuse Program, a Resolution of the Board of Commissioners has been prepared and is proposed for adoption. A copy of the proposed Resolution is attached.

RECOMMENDATION:

In consultation with the Northampton County Manager, the Northampton County Economic Development Commission staff recommends:

The Northampton County Board of Commissioners:

1. Approve the Resolution of the Northampton County Board of Commissioners endorsing the Building Reuse Grant application on behalf of Severn Peanut and acknowledging the County's local match requirement.
 2. Authorize the Chairman, the County Manager and other staff as appropriate to execute all subsequent related documents as may be necessary to administer the project.
-

Decision Paper: Severn Peanut Company NCDOC Building Reuse Grant
May 8, 2017
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ROUTED FOR CONCURRENCE/COMMENT TO:

Ms. Kimberly Turner, Northampton County Manager

Concur: Kimberly Turner Non-Concur: _____

Comment: _____

Ms. Leslie Edwards, Northampton County Finance Director

Concur: Leslie A. Edwards Non-Concur: _____

Comment: _____

ACTION BY THE DECISION MAKER:

APPROVED _____ DISAPPROVED _____

OTHER (SPECIFY) _____

SIGNATURE & DATE _____



Northampton County

"A GREAT PLACE TO RAISE FAMILIES, PROFITS AND EXPECTATIONS"

BOARD OF COMMISSIONERS

P. O. BOX 808

JACKSON, N. C. 27845

PHONE (252) 534-2501 • FAX (252) 534-1166

RESOLUTION

IN SUPPORT OF AN APPLICATION TO THE NORTH CAROLINA DEPARTMENT OF COMMERCE FOR THE AWARD OF A BUILDING REUSE GRANT TO ASSIST EXPANSION OF THE PROCESSING & MANUFACTURING OPERATIONS OF SEVERN PEANUT COMPANY, INC. IN NORTHAMPTON COUNTY, NORTH CAROLINA

WHEREAS, Severn Peanut Company, Inc. proposes to expand the company's processing operations in the Town of Severn in Northampton County which will include reconstruction of the company's roasting and packaging facility on the company's Severn campus; and,

WHEREAS, the company's expansion will result in a private capital investment in excess of \$5,000,000 and the creation of 21 new full-time jobs with annual wages averaging \$31,900; and,

WHEREAS, the company, in collaboration with the Northampton County Economic Development Commission and the Economic Development Partnership of North Carolina, made preliminary application to the North Carolina Department of Commerce for a \$210,000 Building Reuse Grant and received an invitation to submit a full application; and,

WHEREAS, Northampton County is committed to assisting the expansion of businesses in the county leading to a strengthening of the tax base and the creation of sustainable, full-time employment opportunities for residents and has established the Northampton County Economic Development Capital Reserve to support qualified industrial investments such as that of Severn Peanut Company; and,

WHEREAS, counties participating in the Building Reuse Program contribute a five percent (5%) local match to the ninety-five (95%) grants made by the North Carolina Department of Commerce.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF NORTHAMPTON COUNTY, NORTH CAROLINA:

Section 1: The Board of Commissioners of Northampton County supports the expansion of Severn Peanut Company's processing operations in Northampton County and the award of a \$210,000 Building Reuse Grant from the North Carolina Department of Commerce.

Section 2: The Board of Commissioners of Northampton County commits to participate in the project, and hereby authorizes the allocation of ten thousand and five hundred dollars (\$10,500) as the five percent (5%) local matching funds to the Building Reuse Grant from the North Carolina Department of Commerce.

DONE THIS 11th DAY OF MAY, 2017.

BY:

ATTEST:

Robert V. Carter
Chairman, Board of Commissioners

Komita Hendricks
Clerk to the Board of Commissioners

Board of Equalization and Review:

Chairman Carter recessed Regular Session to enter into the Board of Equalization and Review.

Mrs. Cathy Allen, Tax Administrator, asked the Board to approve the Board of Equalization and Review minutes from May 1, 2017.

A motion was made by Chester Deloatch and seconded by Geneva Faulkner to approve the May 1, 2017 minutes for the Board of Equalization and Review. **Question Called: All present voting yes. Motion carried.**

Mrs. Allen also stated that any citizen that is present could appeal their values for 2017. They could do it at this time, or they can put the request in writing to the Tax Office with the parcel number and the value they believe the parcel should be. The request has to be dated for today, and the Tax Office will honor today's postmark.

Mrs. Allen called for appeals.

None were heard.

Mrs. Allen then asked that the Board to adjourn for the appeal of value for 2017.

A motion was made by Fannie Greene and seconded by Chester Deloatch to adjourned for receiving of value appeals for the tax year 2017. **Question Called: All present voting yes. Motion carried.**

Chairman Carter adjourned the Board of Equalization & Review to resume Regular Session.

Ad Valorem Tax Appeals and Motor Vehicle Refunds:

Mrs. Allen asked to obtain the Board's approval to release or refund Ad Valorem taxes assessed in the amount of \$201.93 on 10 appeals.

A motion was made by Geneva Faulkner and seconded by Fannie Greene that the Board approve the request for release of the Ad Valorem tax appeal submitted herewith in the amount and for the reasons stated on the listings. **Question Called: All present voting yes. Motion carried.**

Finally, Mrs. Allen asked to obtain the Board's approval to release or refund Ad Valorem taxes assessed in the amount of \$1,317.57 on 22 appeals.

A motion was made by Chester Deloatch and seconded by Charles Tyner that the Board of County Commissioners approves the request for release or refund of the Ad Valorem Tax appeals submitted herewith in the amounts and for the reasons stated on the listings. **Question Called: All present voting yes. Motion carried.**

PLEASE SEE SCANNED DOCUMENTS WHICH ARE

HEREBY MADE A PART OF THESE MINUTES:

The Northampton County Board of Equalization and Review will meet in Regular Session on Monday, May 15, 2017 at 6:20 p.m. in the Commissioners' Meeting Room located at 100 West Jefferson Jackson, North Carolina. The purpose of the meeting is to conduct public business as indicated on the following agenda.

NORTHAMPTON COUNTY BOARD OF EQUALIZATION AND REVIEW

AGENDA

6:20 P.M. MONDAY MAY 15, 2017

1. Reconvene the Board of Equalization and Review
(Chair states) I call to order this meeting of the Northampton County board of Equalization and Review.

I declare the Board of ER now in secession.
2. Approval of the May 1, 2017 Minutes (ATTACHED)
3. Call for Appeals - We wish to open the floor for the receiving of appeals at this time, we request that all appeals be in writing and presented to Cathy Allen, Clerk to the Board of Equalization and Review by 5:00 p.m. or postmark by US Postal Service today.
4. Adjourned - (Chair Request that the Board of Equalization and Review adjourned for the receiving of value appeals for the tax year 2017).

Ec: ER051517

NORTHAMPTON COUNTY BOARD OF EQUALIZATION AND REVIEW
MINUTES OF MEETING

Jackson, NC
May 1, 2017

The Northampton County Board of Commissioners convened as the Northampton County Board of Equalization and Review in the Commissioners Room on Court House Square in Jackson, NC at 11:55 A.M.

Board Members present were as follows: Chairman Robert V. Carter, Vice-Chairman Chester J. Deloatch, and Commissioners Fannie P. Greene, Geneva Riddick-Faulkner and Charles R. Tyner.

Mrs. Cathy B. Allen, Clerk to the Board, informed the Board that the advertisement for today's meeting was placed in the newspaper informing citizens of the purpose of today's meeting.

The next order of business was the administration of the oaths of office to the two new Board Members. Cathy Allen, Clerk to the Board of Equalization and Review administered the oath to Commissioners Geneva Riddick-Faulkner and Charles R. Tyner.

Cathy Allen stated that the purpose of the meeting was that of receiving appeals to the Board. Those persons making appeals would be asked to present in writing their opinion of the value of the property being appealed and give evidence supporting their opinion. None heard.

The Clerk also informed the Board that there were only four (4) appeals to go before the Board of Equalization and Review as of this date.

There being no other business, the Board recessed until 6:20 P.M. on Monday, May 15, 2017.

Respectfully

Cathy B. Allen
Clerk to Board of E & R

Approved: _____ / /
Robert V. Carter Chairman Date

Ec: erm050117

DECISION PAPER

TO: NORTHAMPTON COUNTY BOARD OF COMMISSIONERS

FM: Cathy B. Allen, Tax Administrator

RE: Ad Valorem Tax Appeals

DT: May 9, 2017

THIS IS A DECISION PAPER.

PURPOSE: To obtain the Board's approval to release or refund Ad Valorem taxes assessed in the amount of **\$201.93** on ten (10) appeals.

FACTS: Attached hereto is a listing of property owners who have requested that I appeal to the Board of Commissioners on their behalf for a release or refund of tax to which they seek relief as provided in G.S. 105-381.

DISCUSSION: G.S. 105-381 Provides that a taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property may appeal to the Board of Commissioners for relief of such tax. Such appeal must be presented within five years after the tax first became due or within six months after the payment of such tax, whichever is later.

The Board of Commissioners may, upon receiving a taxpayer's written statement of a valid defense, release or refund such tax if the valid defense is one of the following:

- (1) A tax imposed through clerical error
- (2) An illegal tax
- (3) A tax levied for an illegal purpose

CONCLUSION: The Board of Commissioners have the authority to grant, release, or refund due to the above three reasons.

RECOMMENDATION: That the Board of Commissioners approve the request for release or refund of the Ad Valorem Tax appeals submitted herewith in the amounts and for the reasons stated on the listings.

Respectfully submitted,

CATHY B. ALLEN
TAX ADMINISTRATOR

ACTION BY THE BOARD OF COMMISSIONERS:

APPROVED _____
DISAPPROVED _____
OTHER _____

SIGNATURE & DATE: _____



May 9, 2017

Ad Valorem Tax Appeals

NAME	ACCOUNT	ACTION	AMOUNT	REASON
Chase, Jeremy	128390	Release	151.18	Illegal Tax
Claboine, Rosa Hargrove	94846	Release	4.70	Illegal Tax
Jerman, Wilson & Helen	75445	Release	4.03	Illegal Tax
Majette, Lafayette	10531	Release	8.38	Illegal Tax
Mccoy Drew Trucking	114671	Release	13.27	Illegal Tax
Melton, Cynthia G	98664	Release	4.02	Illegal Tax
Melton, Lloyd	104042	Release	4.04	Illegal Tax
Parker, Raymond & Beverly	126832	Release	4.14	Illegal Tax
W C Underdue Insurance Inc	88663	Release	4.08	Illegal Tax
Wells Fargo Bank	112657	Release	4.09	Illegal Tax
TOTAL REFUNDS/RELEASES			\$ 201.93	

Respectfully submitted,

CATHY B. ALLEN
TAX ADMINISTRATOR

CBA/br

Cc: Board of Commissioners (7)
County Manager (1)
Clerk to Board (6)

DECISION PAPER

TO: NORTHAMPTON COUNTY BOARD OF COMMISSIONERS

FM: Cathy B. Allen, Tax Administrator

RE: Ad Valorem Tax Appeals
Motor Vehicle Refunds

DT: May 9, 2017

THIS IS A DECISION PAPER.

PURPOSE: To obtain the Board's approval to release or refund Ad Valorem taxes assessed in the amount of **\$1,317.57** on twenty-two (22) appeals.

FACTS: Attached hereto is a listing of property owners who have requested that I appeal to the Board of Commissioners on their behalf for a release or refund of tax to which they seek relief as provided in G.S. 105-381.

DISCUSSION: G.S. 105-381 Provides that a taxpayer asserting a valid defense to the enforcement of the collection of a tax assessed upon his property may appeal to the Board of Commissioners for relief of such tax. Such appeal must be presented within five years after the tax first became due or within six months after the payment of such tax, whichever is later.

The Board of Commissioners may, upon receiving a taxpayer's written statement of a valid defense, release or refund such tax if the valid defense is one of the following:

- (1) A tax imposed through clerical error
- (2) An illegal tax
- (3) A tax levied for an illegal purpose

CONCLUSION: The Board of Commissioners have the authority to grant, release, or refund due to the above three reasons.

RECOMMENDATION: That the Board of Commissioners approve the request for release or refund of the Ad Valorem Tax appeals submitted herewith in the amounts and for the reasons stated on the listings.

Respectfully submitted,

CATHY B. ALLEN
TAX ADMINISTRATOR

ACTION BY THE BOARD OF COMMISSIONERS:

APPROVED _____
DISAPPROVED _____
OTHER _____
SIGNATURE & DATE: _____

April 2017 Refund			
AD VALOREM TAX APPEALS			
MOTOR VEHICLE REFUND ADJUSTMENTS			
NAME	ACTION	AMOUNT	REASON
BURNS E ANDERSON	REFUND	\$33.53	VEHICLE SOLD
BRANDON KIONTRELL ARTIS	REFUND	\$46.81	VEHICLE SOLD
RANDY BANKS JR	REFUND	\$26.25	SITUS ERROR
WALTER RICHMOND BROOKS	REFUND	\$78.36	VEHICLE SOLD
CAROLINA METAL WORKS INC	REFUND	\$10.94	VEHICLE SOLD
RAY WILSON CLARKE III	REFUND	\$112.62	VEHICLE SOLD
MARCUS DUWAYNE COTTON	REFUND	\$17.05	VEHICLE SOLD
DONALD AVERY DAUGHTRY	REFUND	\$30.38	VEHICLE SOLD
ANDERSON MOODY DAVIS	REFUND	\$83.45	VEHICLE SOLD
SCOTT ANDREW DISNEY	REFUND	\$23.48	VEHICLE SOLD
ANGELA RANSOM EDWARDS	REFUND	\$50.70	VEHICLE SOLD
FREDERICK ONEAL HILL	REFUND	\$124.99	VEHICLE SOLD
JAMES LEE HUMMELL, JR	REFUND	\$133.90	VEHICLE SOLD
SHIRLEY JEAN LYNN	REFUND	\$2.89	VEHICLE SOLD
JUANITA GREEN MAJETTE	REFUND	\$29.61	VEHICLE SOLD
DENNIS RAY MARTIN	REFUND	\$45.91	VEHICLE SOLD
OWEN FORD INC	REFUND	\$358.22	VEHICLE SOLD
RONALD LEE SHARPE	REFUND	\$10.67	VEHICLE SOLD
BARRY ROBERT SMITH	REFUND	\$27.34	VEHICLE SOLD
ROSE WILLIAMS STEPHENSON	REFUND	\$14.71	VEHICLE SOLD
LORENZA TANN	REFUND	\$9.14	VEHICLE SOLD
CAROL ROOK THOMAS	REFUND	\$46.62	VEHICLE SOLD
TOTAL REFUND AMOUNT		\$1,317.57	
Respectfully submitted,			
CATHY B. ALLEN			
TAX ADMINISTRATOR			
CBA/epj			
CC: Board of Commissioners (7)			
County Manager (1)			
Clerk to Board (6)			

Management Matters:

Ms. Kimberly Turner, County Manager, appeared before the Board to inform of the need for Commissioner Appointment to the Four Rivers Board. She also informed them of the need for citizen appointments to the Planning and Zoning Board from Districts 1 and 5.

Attorney Scott McKellar appeared before the Board to obtain approval of a Right of Way Agreement with Cottonwood Solar, LLC allowing for a utility easement through a section of the Northampton Commerce Park in connection with the construction of a solar farm.

A motion was made by Charles Tyner and seconded by Chester Deloatch to approve the Right of Way Agreement with Cottonwood Solar, LLC to allow for a utility easement through a section of the Northampton Commerce Park in connection with the construction of a solar farm. **Question Called: All present voting yes. Motion carried.**

**PLEASE SEE SCANNED DOCUMENTS WHICH ARE
HEREBY MADE A PART OF THESE MINUTES:**

DECISION PAPER

TO: Northampton County Board of Commissioners
FROM: Scott McKellar
DATE: May 15, 2017
SUBJECT: Utility Right of Way Agreement with Cottonwood Solar, LLC and related Mortgage Subordination Agreement

BACKGROUND AND PURPOSE:

On February 6, 2017, the Board of Commissioners considered and approved a Right of Way Agreement with Cottonwood Solar, LLC, allowing for a utility easement through a section of the Northampton Commerce Park in connection with the construction of a solar farm. Subsequent construction surveys have resulted in additional easement area being needed over property owned by Northampton County, and the County has been approached by the construction company to grant the additional utility easement.

FACTS:

1. GEENEX Solar proposes to develop a solar electric farm, known as Cottonwood Solar, LLC, on property situated north of the Enviva-Northampton Pellets facility, adjacent to the north-westernmost section of the Northampton Commerce Park.
 2. In February 2017, Dominion Power and GEENEX personnel advised that connecting the Cottonwood Solar project to Dominion's 3-phase electric service along Enviva Boulevard necessitated a right of way along 300-foot section of property owned by Northampton County immediately adjacent to Enviva Boulevard. The Board of Commissioners approved this request for a processing fee of \$1,000.
 3. Based on updated surveys, GEENEX personnel now advise that an additional 30-foot of utility easement area is necessary to connect the Cottonwood Solar project to Dominion's electric service. Please refer to the attached map.
 4. GEENEX has been informed that an additional \$1,000 fee will be required for the additional easement area.
 5. As previously conveyed to the Board of Commissioners by Gary Brown, Northampton County Economic Development Director, the proposed location of the entire right of way area (including the new request) is along a portion of the Northampton Commerce Park property considered to be largely an "orphan parcel" and not suited for construction of industrial/commercial buildings to be occupied.
-

RECOMMENDATION:

The attached First Amendment to Right of Way Agreement and related Consent and Subordination of Mortgagee have been reviewed and approved from a legal perspective. As the Cottonwood Solar project has been approved for construction, it is recommended that the Board of Commissioners approve both the First Amendment to Right of Way Agreement and related Consent and Subordination of Mortgagee in consideration of payment from GEENEX in the amount of \$1,000.

Kimberly L. Turner, Northampton County Manager

Concur: _____ Non-Concur: _____

Comments: _____

RECORDING REQUESTED BY:

WHEN RECORDED RETURN TO:

Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Attn: Stephan C. Wagner (30872-8)

Tax Parcel 4000-84-8682

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FIRST AMENDMENT TO RIGHT OF WAY AGREEMENT

THIS FIRST AMENDMENT TO RIGHT OF WAY AGREEMENT ("**First Amendment**") is dated as of May __, 2017, by and between **NORTHAMPTON COUNTY** ("**Grantor**") and **COTTONWOOD SOLAR, LLC**, a North Carolina limited liability company ("**Grantee**").

A. Grantor and Grantee are parties to that certain Right of Way Agreement, dated February 23, 2017, to which this First Amendment is appended and being recorded concurrently herewith in the Office of the Register of Deeds of Northampton County, North Carolina (the "**Right of Way Agreement**").

B. Grantee and Grantor wish to amend the location of the easement granted pursuant to the Right of Way Agreement to include additional portions of Grantor's land, all as more particularly provided herein.

NOW THEREFORE, for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor and Grantee hereby agree as follows:

The easement granted pursuant to the Right of Way Agreement is hereby expanded to include the additional area depicted upon Exhibit B attached hereto and designated as the Additional Easement Area, running northward from the initial easement area designated as Easement 1 - 30' DVP Easement depicted upon Exhibit B attached hereto and immediately adjacent and to the East of the Transmission Line Easement recorded as DB 979, Page 249. In connection with the

foregoing, Grantor and Grantee hereby acknowledge and agree that Exhibit B to the Right of Way Agreement is hereby deleted in its entirety and replaced with Exhibit B attached hereto and Grantor grants and conveys unto Grantee, its successors and assigns, the perpetual right, privilege and non-exclusive easement (except that such easement shall be exclusive where Grantee's facilities are actually constructed hereunder) over, under, through, upon and across the property described upon Exhibit B attached hereto as the Easement 1 30' DVP Easement together with the property described upon Exhibit B attached hereto as the Additional Easement Area all for the purposes set forth in the Right of Way Agreement.

IN WITNESS WHEREOF, the undersigned have executed this First Amendment as of the date written above.

APPROVED AS TO FORM:

GRANTOR:

COUNTY OF NORTHAMPTON

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

STATE OF _____
COUNTY OF _____

I, the undersigned, a Notary Public of the County and State aforesaid, certify that the following person(s) personally appeared before me this day, and

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
- A credible witness has sworn to the identity of the principal(s);

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____

Date: _____

_____, Notary Public
(print name)

(official seal)

My commission expires: _____

[AFFIX NOTARY SEAL BELOW - NOTE THAT SEAL MUST BE **FULLY LEGIBLE**]

[Signatures continue on following page]

[Signatures continued from previous page]

GRANTEE:

COTTONWOOD SOLAR, LLC,
a Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF _____
COUNTY OF _____

I, the undersigned, a Notary Public of the County and State aforesaid, certify that the following person(s) personally appeared before me this day, and

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
- A credible witness has sworn to the identity of the principal(s);

each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: _____

Date: _____
_____, Notary Public
(print name)

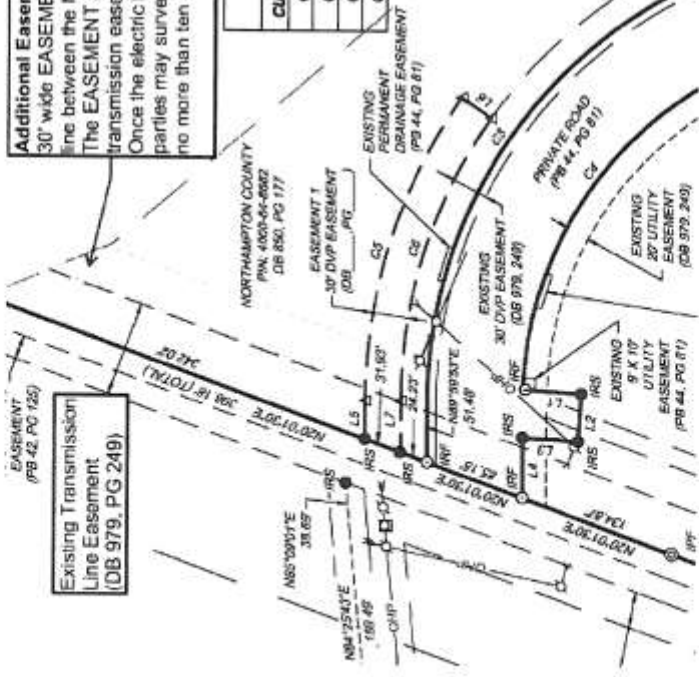
(official seal) My commission expires: _____

[AFFIX NOTARY SEAL BELOW - NOTE THAT SEAL MUST BE **FULLY LEGIBLE**]

**EXHIBIT B
EASEMENT**

Additional Easement Area
 30' wide EASEMENT AREA that runs from EASEMENT 1 to the property line between the Northampton County parcel and the Hargrave parcel. The EASEMENT AREA runs parallel and adjacent to the existing transmission easement. This EASEMENT AREA is not drawn to scale. Once the electric line is constructed within this Easement Area, the parties may survey the property and amend the Easement Area to move no more than ten feet from the transmission easement.

Existing Transmission Line Easement (DB 979, PG 249)



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
C3	390.00'	477.11'	273.55'	70°05'34"	S54°37'20"E	447.91'
C4	310.00'	369.29'	210.10'	68°15'13"	S54°02'10"E	347.84'
C5	442.76'	271.49'	140.16'	35°07'54"	S72°26'10"E	267.23'
C6	412.76'	253.09'	130.68'	35°07'33"	N72°26'11"W	249.14'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N3°31'41"E	49.67'
L2	S85°28'19"E	40.00'
L3	S3°31'41"W	47.36'
L4	N85°59'53"E	50.52'
L5	N89°59'53"E	32.25'
L6	S35°07'55"W	30.00'
L7	S89°59'53"W	43.18'

Prepared by and Return to:

CONSENT AND SUBORDINATION OF MORTGAGEE

Southern Bank and Trust Company, being the "Beneficiary" under that certain Deed of Trust (the "Deed of Trust") from Northampton County, a body politic and corporate of the State of North Carolina (as Trustor), to Southern Bank and Trust Company (as Beneficiary), recorded in Book 850, Page 180, Northampton County Registry, does hereby consent to the recordation of the foregoing Right of Way Agreement and to the terms and provisions thereof; and Beneficiary does hereby consent to the subordination of, and does hereby subordinate, the lien of the Deed of Trust to the provisions of the Right of Way Agreement to the same extent as if the Right of Way Agreement had been recorded prior to the Deed of Trust. The execution of this Consent and Subordination of Mortgagee by Beneficiary shall not be deemed or construed to have the effect of creating any relationship of partnership or of joint venture nor shall anything contained hereunder be deemed to impose upon any of the liabilities, duties or obligations of Grantor upon Beneficiary under the Right of Way Agreement. Beneficiary executes this Consent and Subordination of Mortgagee solely for the purposes set forth herein.

BENEFICIARY:

Southern Bank and Trust Company, as Beneficiary

By: _____

Name: _____

Its: _____

STATE OF _____

COUNTY OF _____

I, the undersigned, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day in his/her capacity as _____ of _____, and

- I have personal knowledge of the identity of the principal(s)
- I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a _____
- A credible witness has sworn to the identity of the principal(s);

each acknowledging to me that they voluntarily signed the foregoing document for the purpose stated therein.

Date: _____

_____, Notary Public
(print name)

(official seal)

My commission expires: _____

Citizens/Board Comments:

Chairman Carter called for Citizens Comments.

Mr. Jerry McDaniel, citizen, made a comment in reference to coal ash.

Chairman Carter called for Board Comments.

Commissioner Tyner made comments in reference to the current budget session and spending taxpayers' money wisely. He thanked the citizens for attending tonight.

Vice-Chairman Deloatch also thanked the citizens for attending.

Commissioner Greene made comments in reference to the County Assembly Day on May 10, and Senate Bill 594.

Commissioner Faulkner also made comments in reference to speaking to our State Representatives about the removal of state funds from the budget for Northampton County.

Chairman Carter extended an invitation for Dr. Woofer, Superintendent of Northampton county School to speak if she would like.

Dr. Woofer echoed Commissioner Faulkner stating about budget cuts for the last 5 years. She also mentioned vacancies in all school systems across the state.

Chairman Carter made comments in reference to a solar workshop at Halifax Community College on May 23 from 9 to 4.

A motion was made by Chester Deloatch and seconded by Fannie Greene to enter in closed session for the purpose of G.S. 143-318.11 (a)(5). **Question Called: All present voting yes. Motion carried.**

A motion was made by Chester Deloatch and seconded by Fannie Greene to adjourn closed session. **Question Called: All present voting yes. Motion carried.**

A motion was made by Geneva Faulkner and seconded by Fannie Greene to reconvene regular session. **Question Called: All present voting yes. Motion carried.**

A motion was made by Charles Tyner and seconded by Chester Deloatch to move forward with advertising of bids received on County owned property. **Question Called: Yes (Commissioner Carter, Tyner, and Deloatch); no (Commissioners Faulkner, Greene). Motion carried.**

A motion was made by Chester Deloatch and seconded by Geneva Faulkner to adjourn.

Question Called: *All present voting yes.* Motion carried.

Komita Hendricks, Clerk to the Board
“r.m. 05-15-17”