

**FIRST AMENDMENT TO THE SWIFT CREEK LAND MANAGEMENT PLAN
BETWEEN AND AMONG TOWN OF APEX, TOWN OF CARY, TOWN OF GARNER,
CITY OF RALEIGH AND WAKE COUNTY**

This first amendment to the Swift Creek Land Management Plan is entered into as of the date the last party executes this Amendment, among **APEX, NORTH CAROLINA** ("Apex"); **CARY, NORTH CAROLINA** ("Cary"); **GARNER, NORTH CAROLINA** ("Garner"); **RALEIGH, NORTH CAROLINA** ("Raleigh"), all of the above being municipal corporations and body politics located in the State of North Carolina; and **WAKE COUNTY, NORTH CAROLINA** (the "County" or "Wake"), collectively ("Parties") a public body politic located in the State of North Carolina.

RECITALS:

WHEREAS, the territorial and extraterritorial jurisdiction of each Party to this Agreement includes a portion of the area within the jurisdiction of the Swift Creek Water Supply Watershed ("Watershed"); and

WHEREAS, through mutual resolutions, in the late 1980's and early 1990's, the Parties recognized that the Watershed would be a critical drinking water supply resource in future years for several Parties and desired to protect the surface water supply in the Watershed by controlling the type and intensity of development; and

WHEREAS, the Parties conducted a joint planning effort to establish land use regulations and standards that guide the type and intensity of development in the Watershed, resulting in the "Swift Creek Management Plan" or "Plan"; and

WHEREAS, through enabling legislation of the North Carolina General Assembly in 1998 and 2005, the Parties were charged with administering the Plan and have responsibility for adopting ordinances and issuing only those permits and development approvals that maintain, meet, or exceed Plan requirements;

WHEREAS, the Parties entered into the Swift Creek Land Management Plan Interlocal Agreement ("Interlocal Agreement") dated January 2, 2018 to provide a strategy for joint oversight of the Swift Creek Management Plan and to also formalize the process for amendments and updates to the Plan; and

WHEREAS, pursuant to Article III of the Interlocal Agreement, any amendment to the Land Use Classifications designated by the Plan requires the unanimous consent of all Parties; and

WHEREAS, in accordance with the Interlocal Agreement, the County and Garner have requested a Land Use Classification amendment for the purpose of reclassifying land areas located within their planning jurisdictions to better accommodate the existing and projected growth patterns; and

WHEREAS, the proposed amendment to the Plan would decrease the potential number of dwelling units by 1,000 within the Watershed and would increase and concentrate density along major corridors; and

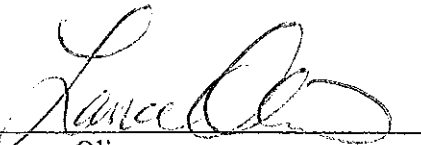
WHEREAS, the Parties to the Interlocal Agreement mutually agree that the requested Land Use Classification amendment to the Swift Creek Land Management Plan is consistent with the Plan goals.

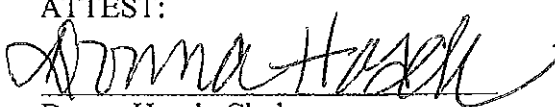
NOW THEREFORE, in consideration of the mutual goals and promises contained herein and the mutual benefits to result there from, that parties agree to amend the Plan as follows:


1. The Swift Creek Land Management Plan Land Use Classification Amendment as depicted on the map attached hereto as *Exhibit A*.
2. Map D of the Plan shall be modified to reflect the amendments to the Land Use Classifications as described herein and replaced with Map D-1 attached hereto as *Exhibit B* which shall be duly incorporated into the Plan.
3. All other terms and conditions of the Interlocal Agreement and Plan shall remain in force and effect.

IN WITNESS WHEREOF, the Parties, pursuant to resolutions of their respective governing boards spread upon their minutes, have caused this Agreement to be executed in their corporate names by their duly authorized officers, all as of the date written.

TOWN OF APEX, NORTH CAROLINA

By: 
Lance Olive
Mayor

ATTEST:

Donna Hosch, Clerk
Town of Apex, North Carolina

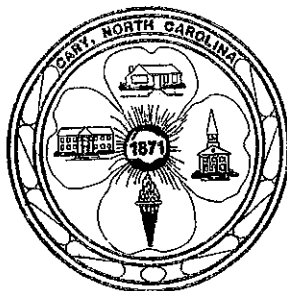
This, the 17 day of  2018.

TOWN OF CARY, NORTH CAROLINA

By: Harold Weinbrecht Jr.
Harold Weinbrecht
Mayor

ATTEST:
Virginia Johnson
Virginia Johnson, Clerk
Town of Cary, North Carolina

This, the 11 day of January 2017.



TOWN OF GARNER, NORTH CAROLINA

ATTEST:

By: Ronnie S. Williams Stella Gibson
Ronnie S. Williams Stella Gibson, Clerk
Mayor Town of Garner, North Carolina

This, the 28th day of March, 2018.



CITY OF RALEIGH, NORTH CAROLINA

By: Ruffin L. Hall ATTEST: Gail G. Smith
Ruffin L. Hall, Gail G. Smith, Clerk
City Manager City of Raleigh, North Carolina

This, the 4 day of Jan, 2018.



COUNTY OF WAKE, NORTH CAROLINA

By: Jessica N. Holmes
Jessica N. Holmes
Chair, Board of Commissioners

ATTEST:

Denise Hogan
Denise Hogan, Clerk
County of Wake, North Carolina

This, the 18 day of July, 2018.

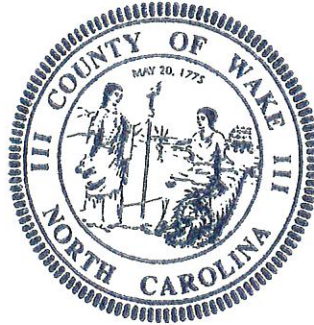


EXHIBIT A

Swift Creek Land Management Plan Land Use Classification Amendment Exhibit A

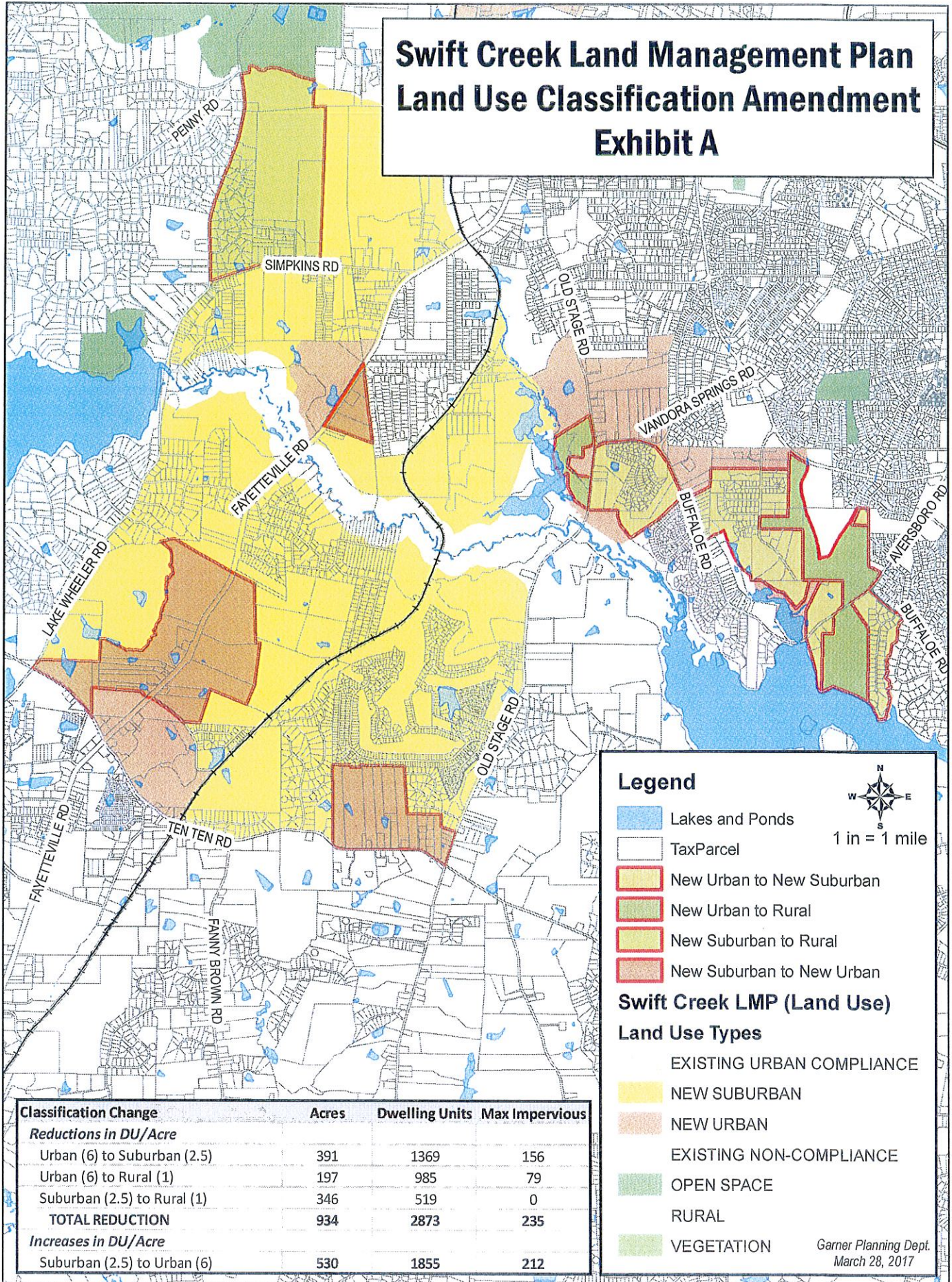
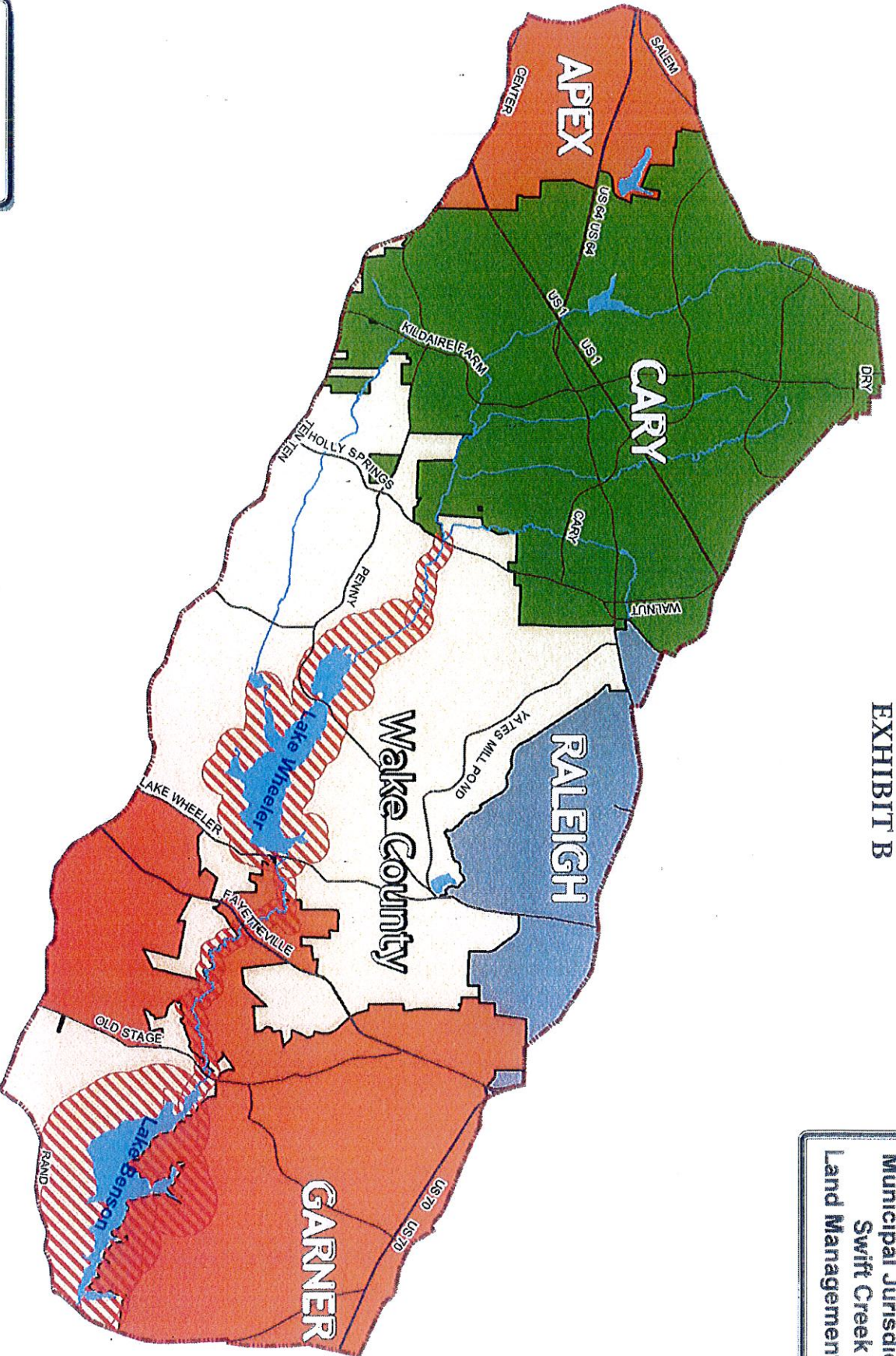


EXHIBIT B

Municipal Jurisdiction
Swift Creek
Land Management Plan



Legend

- Major Roads
- Minor Roads
- Lakes
- Swift Creek LMP Boundary
- Watershed Critical Area

Map Information:

This Map: S:\GIS\SwiftCreek\MapDocs\MapDoc.mxd
Created by: Wake County
Wake County Planning Department
Printed at 12:02:17 PM on Aug 22, 2005

