

**RHYNE**

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**2011**  
Annexation Plan

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City of Charlotte, North Carolina  
A Summary Report



**ANNEXATION PLAN**

**CITY OF CHARLOTTE, NORTH CAROLINA**

**A PROPOSAL TO CONSIDER ANNEXATION OF THE**

**RHYNE**

**AREA**

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**JUNE 2010**

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\* (contained within Official Report only)

## **PREFACE**

### **A SUMMARY OF THE NORTH CAROLINA ANNEXATION LAW AND ITS IMPLICATIONS FOR THE FUTURE DEVELOPMENT OF CHARLOTTE**

#### **“What is Annexation?”**

The annexation process serves a vital function in the overall development of the Charlotte urban area by aiding and guiding orderly municipal growth. In the past, Charlotte has expanded its corporate limits many times and these annexations have taken a number of forms.

Four methods of enlarging municipal boundaries are now available to cities in North Carolina under Article 4A Chapter 160A of the North Carolina General Statutes\*:

- (1) annexation by special act of the state legislature;
- (2) annexation by petition of all real property owners (Part 1);
- (3) annexation by municipal ordinance (Part 3);
- (4) annexation by petition of all real property owners of non-contiguous satellite areas (Part 4).

In the third method, the General Assembly of North Carolina has authorized municipalities to initiate the annexation of land undergoing urban development. North Carolina’s annexation law has been hailed as a major step forward in municipal efforts to meet many of the problems of urban expansion.

\* NC Annexation Statutes may be found on-line at:

[http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_160A/Article\\_4A.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160A/Article_4A.html)

*(note: on-line address was valid at time of printing of this report but may be subject to change)*

Setting down the general principles and objectives of annexation, the statute provides:

Sound urban development is essential to the continued economic development of North Carolina. Municipalities are created to provide the governmental services essential for sound urban development and for the protection of health, safety and welfare in areas being intensively used for residential, commercial, industrial, institutional, and governmental purposes, or in areas undergoing such development. Municipal boundaries should be extended in accordance with legislative standards applicable throughout the State, to include such areas and to provide the high quality of governmental services needed therein for the public health, safety, and welfare. Areas annexed to municipalities in accordance with such uniform legislative standards should receive the services provided by the annexing municipality in accordance with annexation statute requirements. (G.S. 160A-45)

In addition to assuring that developed and developing urban areas will receive the protection and services necessary for sound urban growth, the city-initiated annexation law makes it possible to ensure that both the benefits and the responsibilities of urban life are shared by all the residents and property owners of the urban area. Often, a significant population living in the developed urban fringe beyond a city's limits receives many of the benefits of municipal tax dollars --streets, public facilities, cultural events, museums, etc. -- without bearing a corresponding financial responsibility for those services. Because municipal services are necessary to the proper functioning and protection of the entire urban area, a basic principle may be derived -- that which is urban, should be municipal.

In the city-initiated annexation law, the state gives cities the authority to make municipal, that which is urban. To ensure that this authority will be used reasonably, the General Assembly established three key limitations. First, the law sets down objective statutory standards defining land as either "developed for urban purposes" or "land undergoing such development." Second, the law requires that the municipality be both ready and able to provide annexed areas with services equal to those provided within the rest of the city. Third, the law requires the annexation process to be undertaken publicly with advance notice of the annexation and with the opportunity for affected property owners and residents to be heard and to obtain information about the development of the annexation area and the plans for extending municipal services into the area.

Specifically, the city-initiated annexation law requires that the city prepare an annexation report, which spells out the city's plan for the financing and actual provision of services into the area that is proposed for annexation, and which documents that the area meets the prescribed standards for urban development to make it eligible for annexation. (Contracts with volunteer fire departments and private solid waste collection firms are acceptable methods of providing for fire protection and garbage collection services in annexed areas.) Following the adoption of an annexation ordinance, prescribed administrative and/or judicial review of the annexation may be requested to ensure that the city has complied with the applicable legal requirements, including following through with its plan to extend services.

The specific standards, which an area must meet in order to be eligible for annexation, are summarized below:

- (1) At least one-eighth (1/8) of the external boundary of the area must be contiguous to the current city limits.
- (2) The area cannot be part of another municipality.
- (3) The area must meet statutory criteria under at least one of the following standards:
  - (a) a minimum population density;
  - (b) a minimum population density and a minimum proportion of the area is subdivided into urban-sized lots;
  - (c) a minimum proportion of lots and tracts in the area is used for urban purposes and a minimum proportion of the residential and non-urban lots and tracts in the area is subdivided into urban-sized lots;
  - (d) the entire area of a water and sewer district, if the city and district agree that the district is developed for urban purposes and that the city will operate the district sewer system;
  - (e) all lots and tracts in the area are used for nonresidential urban uses.
- (4) In addition to property developed for urban purposes, the municipality may include a limited amount of undeveloped property in the area.



## INTRODUCTION: THE ANNEXATION REPORT

Pursuant to the authority vested in the City Council of the City of Charlotte by Article 4A, Part 3, Chapter 160A of the General Statutes of North Carolina, a resolution of intent to consider annexation of the Rhyne Annexation Area, as defined in this Report, was adopted by the City Council at a regular meeting held on the **14th day of June, 2010**. A notice of a public informational meeting to be held on the **5th day of August, 2010** and a public hearing to be held on the **23rd day of August 2010**, on the question of annexation is being published and mailed to property owners in accordance with legal requirements. (The dates of the public informational meeting and/or public hearing are subject to change in accordance with applicable law.)

As a prerequisite to annexation, the City is required by law to prepare this Report setting forth plans for the extension of each major City service to the area proposed to be annexed. This Report includes:

A statement showing that the area proposed to be annexed meets the legislative standards prescribed by G.S. 160A-48

A map showing the present and proposed City boundaries and the qualification of the area proposed to be annexed

A map showing the general land use pattern in the area proposed to be annexed

A statement setting forth plans for extending to the proposed annexation area the following major municipal services performed within the City at the time of annexation: police protection, fire protection, solid waste collection, street maintenance, and the extension of major trunk water mains and sewer outfall lines

A statement describing the method of financing the extension of these services

A statement setting forth the plans for extending other City services into the proposed annexation area and the method of financing the extension of these other services, even though such a statement is not required to be included in this Report

A statement describing the impact of annexation on the volunteer fire department providing service and on fire protection and fire insurance rates in the area proposed to be annexed

A statement describing how the proposed annexation will affect the City's finances and services, including City revenue change estimates

The official report – bearing the designation “The Official Report” on the cover - has been prepared in compliance with the foregoing requirements and is available for public inspection at the Office of the City Clerk, located on the 7<sup>th</sup> floor of the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, NC 28202. A summary of The Official Report is also viewable on-line at [www.charlotteplanning.org](http://www.charlotteplanning.org).

## PART I: THE PROPOSED AREA

### General Description of the Area

The **Rhyme** area is located west of the current City limits, on both sides of I-485 north of Mt. Holly Road. The area contains a mix of older low-density single-family development and new single- and multi-family development, including the new Cedar Mill development. The area contains 288.6 acres and has an estimated population of 618.

### Standards and Criteria

STATEMENT SHOWING THAT THE AREA PROPOSED TO BE ANNEXED MEETS THE LEGISLATIVE STANDARDS PRESCRIBED BY G.S. 160A-48.

- A. The area proposed to be annexed meets the general standards of G.S. 160A-48(b) as follows:
1. The area is contiguous, as defined in G.S. 160A-53, to the City's boundary as of the time of the beginning of this annexation proceeding.
  2. The aggregate boundary of the area is **20,254.1** feet, of which **15,228.9** feet or **75.1%** coincides with the present City boundary.
  3. No part of the area is included within the boundary of another incorporated municipality.
- B. Part or all of the area is developed for urban purposes as described in one or more of the following subsections:
1. The part of the area remaining (developed part of the area) after removing the subsection (d) land qualifies for annexation under the standards of two and three-tenths persons per acre of land. The developed part of the area has an estimated total population of **2.83** persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are **288** dwelling units in the area (**219 single family and 69 multi-family units**), which when multiplied by the average household size of **2.66** for single-family units and **1.34** for multi-family units and taking into account an occupancy rate of **96.4%** for single family units and **86.2%** for multi-family units (all according to the latest federal decennial census, augmented by the 2008 U.S. Census American Community Survey data, with multi-family occupancy augmented by Greater Charlotte Apartment Association Real Data Apartment Market Index, March 2010) results in an estimated total resident population of **618**. This population, when divided by the total number of acres (**218.1**) in the developed part of the area, results in a population density of **2.83** persons per acre.
  2. The area proposed to be annexed **does not** meet the requirements of G.S. 160A-48(c)(2).
  3. The area proposed to be annexed **does not** meet the requirements of G.S. 160A-48(c)(3).
- C. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B1, B2, and B3 above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be

annexed. The total number of acres in the area to be annexed is **288.6**. Of that acreage, **70.5 acres, or 24.3%** is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in G.S. 160A-48(c). The aggregate boundary of the undeveloped area is **11,094.7** feet of which **11,094.7** feet or **one hundred percent (100%)** coincides with the present City boundary and the developed area (see the “subsection (d) land” map).

## **Maps of the Area**

The following four pages contain maps of (a) the location of the area in relation to Charlotte, (b) the boundaries of the proposed annexation area, (c) the subsection (d) land, and (d) the generalized land use pattern for the area.

# 2011 Annexation Qualifying Areas

## City of Charlotte



- 2011 Annexation Qualifying Areas
- City Boundary
- City of Charlotte ETJ






Produced by the Charlotte-Mecklenburg Planning Department  
 Data Source: City of Charlotte, Mecklenburg County

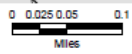
Data current as of February 15, 2010

# Rhyne

## 2011 Annexation Qualifying Area



 Annexation Qualifying Area  
 City of Charlotte, April 2010  
 City of Charlotte ETJ



Produced by the Charlotte-Mecklenburg Planning Department  
 Data Source: City of Charlotte, Mecklenburg County

Data current as of April 9, 2010

# Rhyne

## Subsection D Land Area

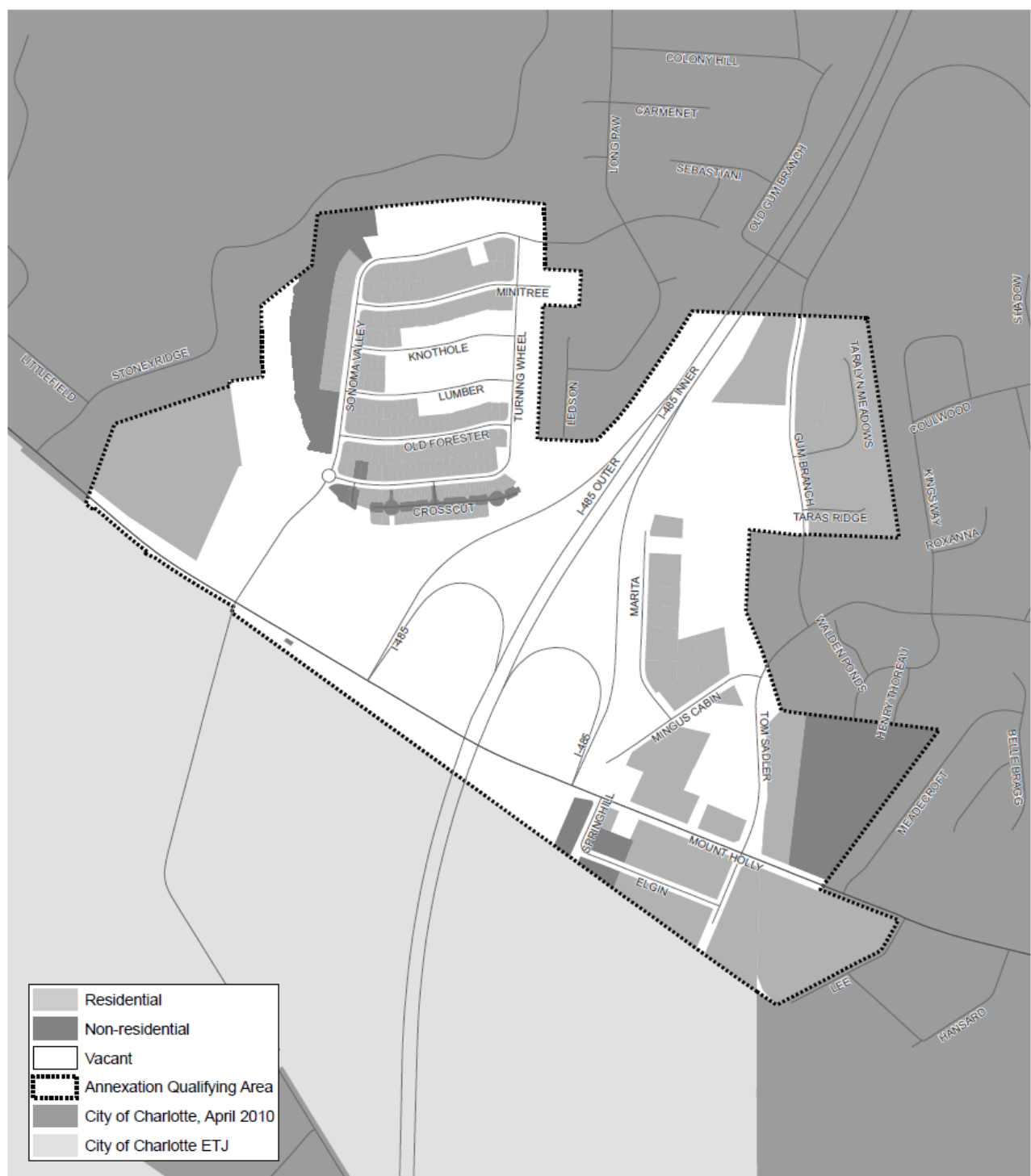


Produced by the Charlotte-Mecklenburg Planning Department  
 Data Source: City of Charlotte, Mecklenburg County

Data current as of April 9, 2010

# Rhyne

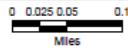
## Generalized Land Use



	Residential
	Non-residential
	Vacant
	Annexation Qualifying Area
	City of Charlotte, April 2010
	City of Charlotte ETJ



Produced by the Charlotte-Mecklenburg Planning Department  
 Data Source: City of Charlotte, Mecklenburg County



Data current as of April 9, 2010

## **PART II: PLAN FOR SERVICES**

### **Extension of City Services**

#### **PLANS FOR THE CITY OF CHARLOTTE TO EXTEND MUNICIPAL SERVICES TO THE RHYNE ANNEXATION AREA.**

Police protection, solid waste collection, and street maintenance services of the City of Charlotte will be extended to the area proposed for annexation immediately upon the effective date of annexation on substantially the same basis and in the same manner as such services are provided in the City prior to annexation. Except to the extent already provided, major trunk water mains and sewer outfall lines will be extended into the area proposed for annexation so that when such lines are constructed, property owners in the area will be able to secure water and sewer service from Charlotte-Mecklenburg Utilities (CMU) (a City department), according to the CMU Water and Sewer Extension Policy. If construction is required for a new fire station and/or to complete a basic water distribution system throughout the area proposed for annexation, reasonably effective fire protection services will be provided until such construction as is described in this Report is completed. A contract with a volunteer fire department to provide fire protection is an acceptable method of providing fire protection. A contract with a private solid waste collection firm to provide collection services is also an acceptable method of providing solid waste collection services in a proposed annexation area. The City shall provide all of these services as described in the following statements:

### **Description of Services**

**GENERAL GOVERNMENT.** The electorate of the City of Charlotte adopted the Council/Manager form of government in 1929. The government, general management, and control of all affairs of the City are vested in a City Council with eleven (11) members and a Mayor elected by and from qualified voters. Members hold office for terms of two years each. The membership of City Council includes four members elected at large by all voters and seven members elected from districts. Each District Council member is elected by qualified voters of his or her district and must reside in the district which he/she represents.

The City Manager is appointed by the Mayor and City Council and serves at their pleasure as administrative head of the City, leaving the function of political leadership to the Mayor and the Council. The Manager carries out the laws enacted by the City Council and executes their wishes through the operations of the City's various departments, the heads of which report directly to him. The Manager prepares and submits preliminary annual budgets to the Mayor and Council and keeps them advised of the City's financial condition and needs.



The meetings of the City Council are open to the public, and consideration is given to citizens, residents, property owners, and others who present problems and recommendations.

**POLICE PROTECTION.** On October 1, 1993, police services were consolidated from the Mecklenburg County Police and City of Charlotte Police into the Charlotte-Mecklenburg Police Department (a department of the City). The Charlotte-Mecklenburg Police Department (CMPD) is a highly-trained and efficient police department whose function is the protection of life and property. Police services are provided on a continuous twenty-four hour basis and the department is prepared for emergency response to calls for service. The department performs a variety of functions, ranging from traffic control to crime prevention, and uses modern law enforcement equipment, facilities, and operations.

Police services -- such as 911 emergency service, a computerized information system, community policing, criminal investigations, and animal control-- are already being provided in the annexation area by the City pursuant to the City-County police services agreement. Police services are provided uniformly throughout the City, the annexation area, and all other portions of Mecklenburg County covered by this agreement. Therefore, police service delivery in the proposed annexation area will remain unchanged. No additional personnel or equipment will be required to provide police protection services in the annexation area.

The City's police services agreement with Mecklenburg County provides County funding as a percentage of the CMPD's total service area population, which is comprised of the City of Charlotte and the remaining unincorporated areas of Mecklenburg County. Funding of police services for the proposed annexation area would shift from the collection of the County's Law Enforcement Service District tax to the City's property tax effective June 30, 2011.

**FIRE PROTECTION.** The Charlotte Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Organization. The City enjoys a favorable insurance rating of "three". Protection is afforded by 1,165 full-time employees operating 41 engine companies, 15 ladder companies, 6 water tankers, 6 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 4 hazardous materials trucks. The Department's equipment is housed in 41 strategically located fire stations.

Fire protection services will be extended to the Rhyne Area on substantially the same basis and in the same manner as provided in the City, except as otherwise described in this section of the Report. The level of fire protection in the Rhyne Area will be provided by existing facilities located at Station 21 at 1023 Little Rock Road. Service will commence on the effective date of annexation. In order to provide fire service, start-up funds

in the amount of \$350 in FY2011 will be required, along with operating funds of \$14,963 in FY2012 and \$15,389 in FY2013.

Reasonably effective fire protection services will be provided on the effective annexation date to the portions of the annexation area that do not contain the basic water system, until the completion of the basic water system in accordance with applicable statutes, and as described elsewhere in this Report. Each piece of Charlotte Fire Department apparatus carries a booster tank holding between 370 and 750 gallons of water, intended to provide water sufficient to begin a fire attack (and in many cases sufficient to suppress a fire). This apparatus will serve as the first fire incident attack in areas not currently served by basic water service. Additionally, Charlotte Fire Department has six 1,000 gallon tankers that are placed strategically to respond to geographic areas without sufficient water service for fire suppression. These tankers will be located at stations intended to respond to these under-served areas until water service is established.

Currently, the tankers are located at:

Station 9	4529 McKee Road
Station 21	1023 Little Rock Road
Station 28	8031 Old Statesville Road
Station 35	1120 Pavilion Boulevard
Station 37	13828 South Tryon Street
Station 40	9720 Harrisburg Road

While the annexation area is sufficiently served by basic water service for fire protection purposes, if a tanker were to be needed to be dispatched to the area, the tanker at Station 21 lies in closest proximity, with back-up available from the tanker at Station 28.

A contract with a volunteer fire department to provide fire protection is also an acceptable method of providing fire protection. If a volunteer fire department serving the annexation area makes a written request for a good faith offer, the City is required to make a good faith effort to negotiate a five-year contract with the volunteer fire department to provide fire protection in the area to be annexed. The written request must be delivered to the City Clerk no later than 15 days before the annexation public hearing.

**TRANSIT.** The Charlotte Area Transit System (CATS) operates a fleet of 345 vehicles, providing public transportation service along 72 routes located throughout Mecklenburg County and surrounding counties in the Charlotte region. CATS services include light rail (LYNX Blue Line), local, express, regional express, vanpool, community shuttles and activity center circulators.

Currently, Local Route #1 runs inbound/outbound along Mt. Holly Rd. (NC 27) approximately once an hour. Additional transit service to the area will be considered in the future on the same basis as extension of service is considered in the rest of the City, as set forth by the Metropolitan Transit Commission (MTC).

In addition to the previously-listed CATS services, Special Transportation Services (STS) provides door-to-door transit services within Charlotte's City Limits, and the Towns of Matthews and Pineville. The Americans with Disabilities Act (ADA) requires complementary paratransit service (such as STS) to operate within  $\frac{3}{4}$  of a mile from any CATS local bus route. Individuals with disabilities certified as eligible according to ADA may qualify for STS paratransit service. Should local fixed route service be extended to the annexation area, STS ADA-paratransit service coverage would also need to be extended.

No additional transit funds will be required to provide transit services to the annexation area on substantially the same basis and in the same manner as provided in the City, as set forth by the MTC.

**DEPARTMENT OF TRANSPORTATION.** The general responsibility of the Charlotte Department of Transportation (CDOT) is to provide a safe, efficient and balanced transportation system for the movement of people and goods in the City of Charlotte. The department maintains all City streets; designs, installs, and maintains traffic signals and traffic control equipment; fabricates and installs street name and other traffic signs and markings; and performs transportation planning and provides design services for the transportation system and roadway system improvements. The department also conducts the City's Sidewalk Program, authorizes street light installations by Duke Energy, and approves take over billing for existing streetlights on public streets.

**Operations/Street Maintenance Services.** CDOT maintains, repairs and constructs all facilities located within the City street right of way. The current street maintenance policy states that the City of Charlotte is responsible for the general maintenance of all streets provided they are constructed in accordance with established City standards. In addition, the City will accept for maintenance those streets, which at the time of annexation are being maintained by the NC Department of Transportation (except those streets which form a part of the permanent State highway system, including all thoroughfares). Maintenance services include patching holes in the pavement, repairing roadway shoulders, cleaning and repairing storm water inlets and drains within the right of way and other related services.

The individual property owner is responsible for (1) maintenance of any property between the property line and the curb or the edge of the paved street; (2) the provision of adequate drainage facilities so that his property will be free of standing water and will permit the natural flow of the water and, in the case of failure, the property

owner shall bear the cost of facilities to alleviate this situation; and (3) the adequate maintenance and repair of adjoining sidewalk. At the request of the property owner, the City will repair or replace sidewalk with the cost of all materials necessary for the work to be borne by the property owner.

Non-System Residential Street Program. CDOT evaluates (and can accept for maintenance and make improvements to) certain private streets qualifying for the Non-System Residential Street Program (NSRSP), a program that provides services for the improvement of private streets to basic public street standards. Private streets serving improved residential properties may be eligible for the NSRSP if the street serves two or more homes, if the majority of affected owners petition the City (including agreeing to being assessed for a portion of the cost to improve the street), and if all right-of-way required under this program for the street is donated to the City. The NSRSP is a City-wide program (not specifically targeted to annexation areas) and as such there is no funding designated for candidate streets within the annexation areas; rather these streets would be added to the list of streets elsewhere within the City eligible for funding through this program.

In order to provide operations/street maintenance services on substantially the same basis and in the same manner as provided in the City, approximately \$16,281 from the General Fund in FY2012 will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured. Additionally, capital costs of \$135,493 in FY2012 from Powell Bill Funds will be required in order to improve area streets to City maintenance standards. Information on financing operations/street maintenance services is set forth in Appendix B. Street maintenance and other street-related services will commence on the effective date of annexation.

**ENGINEERING AND PROPERTY MANAGEMENT** This department is responsible for providing a variety of services to other departments, which include engineering services, real estate acquisition, asset management, building maintenance, and landscape management. In addition, the department is responsible for the administration of certain City regulations relative to land development and management of the City's storm water capital systems improvement and maintenance. The general objectives of the department are to plan, design, and control construction of new capital improvements to meet community needs, develop programs for maintaining existing public facilities, and ensure that private development adheres to certain City regulations.

**Survey/Mapping Division.** The Survey Section is responsible for all the surveying needs of Engineering and for every other City department with the exception of the Charlotte-Mecklenburg Utilities (CMU) and Aviation. Surveying services, using either City forces or outside resources, are provided for all City Capital Investment Program projects, acquisition and disposal of all City real property, providing control data for the topographical

mapping services, location and stake-out services for the building permit process, surveying for all storm drainage repair projects, staking rights-of-way throughout the City and maintenance of the survey control system throughout the City and surrounding areas. The Mapping Section provides mapping services to all departments except CMU and Aviation, and manages mapping consultant contracts; provides Geographic Information System (GIS) mapping services and operates the map room for the department.

**Real Estate Division.** This division is responsible for the appraisal and acquisition of property on behalf of the City for Engineering, CMU, CATS, CDOT, and Neighborhood Development for the construction of public facilities. Its Asset Management Section inventories and sells all surplus City owned real estate and conducts the negotiations to lease City owned property when appropriate. Real Estate assists CMU by acquiring land and easements for extending water and sewer services to newly annexed areas. This assignment may be performed by City staff or may be contracted to private agents. Services will be in accordance with CMU schedules.

**Land Development Division.** This Division reviews and inspects private development sites ranging from single family subdivisions to large commercial projects to ensure compliance with pertinent City Ordinances and standards. This group is also responsible for coordination of site-related City Code requirements (including City Zoning Ordinance) through the building permit process.

**Storm Water Services Division** Storm Water Services provides a safe, clean, and cost-effective storm drainage system that controls flooding and erosion through capital improvement and maintenance projects. Through its Water Quality program, Storm Water Services meets regulatory compliance standards, administers environmental permitting, lowers pollution caused by storm water run-off, and monitors Best Management Practices installed in connection with land development.

**Landscape Management Division.** This division is responsible for landscaping and grounds maintenance for six uptown parks, 33 City buildings and about 280 median, islands, and other landscape projects which are along rights-of-way or public facilities. Develops plans and contracts landscape installation for CIP and CATS projects. Other responsibilities include the maintenance/mowing of City street rights-of-way, City tree maintenance within the City rights-of-way, and the operation and maintenance of six City cemeteries. They also plant and maintain street trees through the citizens' co-op program and the street tree replacement program. Landscape Management also reviews plans and designs for roadway and other right-of-way construction projects where landscaping and street trees would be installed through the capital program. These services are performed either with City personnel or with contract services. Landscape Management services will commence on the effective date of the annexation.

**Building Maintenance Division.** This division provides preventative maintenance and repairs to four million square feet of City-owned facilities. Services include HVAC maintenance, electrical, plumbing and construction maintenance.

**Other Divisions.** The other divisions of the Engineering and Property Management Department are more directly affected by the City's Capital Investment Program than by service requests from citizens, residents, property owners or the development community.

Engineering & Property Management services can be provided to the **Rhyne** area on substantially the same basis and in the same manner as provided in the City using existing resources. With the exception of \$2,689 in FY2012 and \$2,689 in FY2013, no additional funding will be required for this area. Information on financing Engineering and Property Management service is set forth in Appendix B. Services will commence on the effective date of annexation.

**SOLID WASTE SERVICES.** The department provides weekly garbage and yard waste collection services and bi-weekly recyclables collections; has a call-in service for collection of bulk items, white goods, tires and dead animals; delivers rollout carts to customers; sweeps, cleans and picks up litter from streets and right-of-way areas; participates with neighborhoods in cleaning up illegal dumps, sponsorship of neighborhood gardens and specialized cleaning programs; provides public education and customer service; and manages contracts for solid waste collection services.

**Collections.** City staff provides City-wide weekly residential collection of garbage, yard waste, bulky items, white goods and tires. A private solid waste collection firm has a contract with the City to provide City-wide bi-weekly collection of recyclables. Residents are provided with one 95-gallon rollout cart for garbage collection and one 95-gallon rollout cart for recyclable collection. Garbage and yard waste are collected from the curb on a regularly-scheduled weekly collection day. Bulk items, white goods and tires are collected on the regular collection day, on a scheduled basis, following the receipt of a call-in pick-up request. Disabled residents may request backyard garbage and/or recyclable collection upon the recommendation of a certified physician and receive the service upon verification of the need by City staff.

**Special Services.** City staff provides weekly garbage collection from small businesses; dead animal collection; sweeps and cleans permanently paved City-maintained streets; litter collection and cleanup of illegal dumps; cleans bus shelters and provides general cleanup services in the Central Business District on a routine basis and for special events.

**Administration: Collection Services.** A contract with a private solid waste collection firm to provide collection services is an acceptable method of providing such services in the annexation area. If a private solid waste collection firm of sufficient size providing collection services in the annexation area requests a contract, the City is required to either contract with such firms for a period of two years after the effective date of annexation or pay such firms in lieu of a contract a sum equal to a determined economic loss. The written request for a contract must be delivered to the City Clerk at least ten days before the annexation public hearing.

The City contracts with a private company to collect refuse and recyclables from multi-family communities having 30 or more residential units that use dumpsters or compactors. The City also contracts to provide scheduled bulky item pickup service for these communities. Additionally, the City contracts the delivery and maintenance of all rollout garbage containers. Regardless of whether solid waste services are provided by City forces or by a private solid waste collection firm in the annexation area, such services will be provided on substantially the same basis and in the same manner as such services are provided in the City.

In order to provide solid waste services on substantially the same basis and in the same manner as provided in the City, approximately \$44,964 from the General Fund in FY2012 will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured. Additionally, \$19,488 from the FY2011 (current year) General Fund – which has been designated in the FY2011 budget for annexation start-up costs – will be applied to start-up costs associated with solid waste services. Information on financing Solid Waste Services is set forth in Appendix B. Services will commence on the effective date of annexation.

**BUSINESS SUPPORT SERVICES** Business Support Services (BSS) is responsible for providing the corporate services infrastructure necessary for the success of the City. The services include fleet management, corporate technology infrastructure, procurement, radio and network communications, and an assortment of other operational and strategic services.

BSS will require no additional funding commensurate with the additional equipment and support service needs of the City's operating business units as needed to service the proposed annexation areas. Services will commence on the effective date of annexation.

**NEIGHBORHOOD & BUSINESS SERVICES** The Neighborhood & Business Services Key Business provides services in four basic areas.

**Code Enforcement** This area enforces the City's minimum housing code and nuisance ordinances that improve the City's appearance and health and safety. Nuisance ordinances include abandoned vehicles, high weeds/grass, trash and illegal dumps and parking on front lawns. Code Enforcement also enforces the City Zoning Ordinance that regulates land use and development intensity in order to promote the health and safety of City residents.

**Housing Services** This area administers the City's federal Community Development Block Grant, and oversees a number of housing and community development programs and activities including the affordable housing program, the HOME grant, and innovative housing initiatives. Also Housing Services provides loans and grants to finance affordable housing, provide rehabilitation services and funds housing support agencies. Examples of services include Housing Trust Fund, HouseCharlotte Down Payment Assistance and Rehabilitation Services.

**Community & Commerce** This area provides neighborhood plan implementation, outreach and problem solving, leadership and organization training and infrastructure to neighborhoods and businesses. Examples of services include Neighborhood Matching Grants, Facade and Small Business Enterprise loan programs, Community University, Neighborhood Action Plans, Business Corridor Development, Neighborhood Improvement Program, Weed & Seed Initiative and Vision Charlotte Wingate Initiative.

**Economic Development** This area supports public/private partnerships and provides business attraction & small business support for local businesses, workforce and transit corridor development. Examples of services are Synthetic Tax Increment grants, BusinessFirst problem resolution, Small Business Enterprise program services, Smart Growth Fund, Workforce Investment Act grants/Workforce Development Board, including stimulus program funding, Business Investment and federal grants.

No additional resources will be required for Neighborhood & Business Services to extend its services to the proposed annexation area on substantially the same basis and in the same manner as now provided in the City. Services will commence on the effective date of annexation.

**OTHER CITY DEPARTMENTS**. Several other departments of City government are not involved in direct services to residents of the City or to its geographic areas. However, these departments are essential to the general operation of municipal business and will service the annexation areas in the same manner that they service the existing City. Such departments include Finance, Planning, Human Resources, Budget and Evaluation, and Aviation.



No additional resources will be required to provide these other City services on substantially the same basis and in the same manner as provided in the City. Services will commence on the effective date of annexation.

**WATER AND SEWER SERVICE.** Charlotte-Mecklenburg Utilities (CMU) – a department of the City - is responsible for the operation, maintenance, and extension of water and sewer facilities that serve Charlotte and Mecklenburg County. The department's treatment system provides the Charlotte-Mecklenburg area with adequate quantities of potable water, and returns treated wastewater back to streams and rivers. The department operates on revenue generated by the sale of water and sewer service to its customers.

Unless already provided, the basic water system will be constructed in the area proposed for annexation so that fire hydrants can be placed within the following distances of existing land uses and provide necessary water lines and fire hydrants for fire protection purposes:

<u>Use</u>	<u>Distance</u>
Single family residential	750 feet
Multi-family residential	500 feet
Business	500 feet

Unless already provided, the basic sewer system will be extended to the low point in every publicly-maintained street. The basic water and sewer systems to be extended in the annexation area are shown in the Official Report (viewable at the Office of the Charlotte City Clerk, located at 600 E. Fourth Street, Charlotte, NC 28202), are reproduced in small scale in Appendix G of this Summary report, and can also be viewed at [www.charlotteplanning.org](http://www.charlotteplanning.org).

In order to comply with the annexation law, the City of Charlotte -- as recommended by Charlotte-Mecklenburg Utilities -- will provide this area with the basic sewer system and the basic water system required for fire protection. The basic sewer system and the basic water system for the area will be under contract and constructed as set forth in the proposed construction timetable (see below). In any event, construction will be completed within two years of the effective date of annexation.

The water and sewer systems to be provided in the area will meet the requirements of the annexation law and will include the extension of major trunk water mains and sewer outfall lines into the area so that when such lines have been extended, property owners in the area will be able to secure water and sewer service from the City according to the Water/Sewer Extension Policy adopted by the Charlotte City Council (copy attached as Appendix E). Extension of sewer street mains and water mains will be constructed in accordance with the Water/Sewer

## Extension Policy.

Capital cost of providing basic water and sewer services to the area, in a manner consistent with the annexation statutes and Charlotte's Water/Sewer Extension Policy, is estimated to be approximately \$300,000 for water and \$1.2 million for sewer. Annual utilities operating expenses are estimated to be \$0 in FY2012 and \$0 in FY2013. Expenses for operating the systems will be derived from revenues obtained through the sale of water and sewer services. Information on financing water and sewer services is set forth in Appendix B.

Owners of occupied dwelling units and owners of operating commercial or industrial properties within the area proposed to be annexed have certain rights to request the extension of water and/or sewer lines to such properties or to a point on a public street or road right-of-way adjacent to such properties according to the financial policies in effect in the City for extending water and sewer lines. Additional information about such rights is set for in Appendix D of this Report.

Below is a proposed timetable for the construction of the basic water and sewer systems in the proposed annexation area. The following pages contain maps of the existing water and sewer system countywide and Appendix G of this Report contains maps of the basic water and sewer system in the annexation area. The Official Report for the annexation area also contains one or more detailed maps of the annexation area showing present major trunk water mains and sewer interceptors and outfalls and the proposed extension of such mains and outfalls bearing the seal of a registered professional engineer. Such maps are located in a pocket at the end of the Official Report, viewable in the office of the Charlotte City Clerk, located in the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, NC 28202.

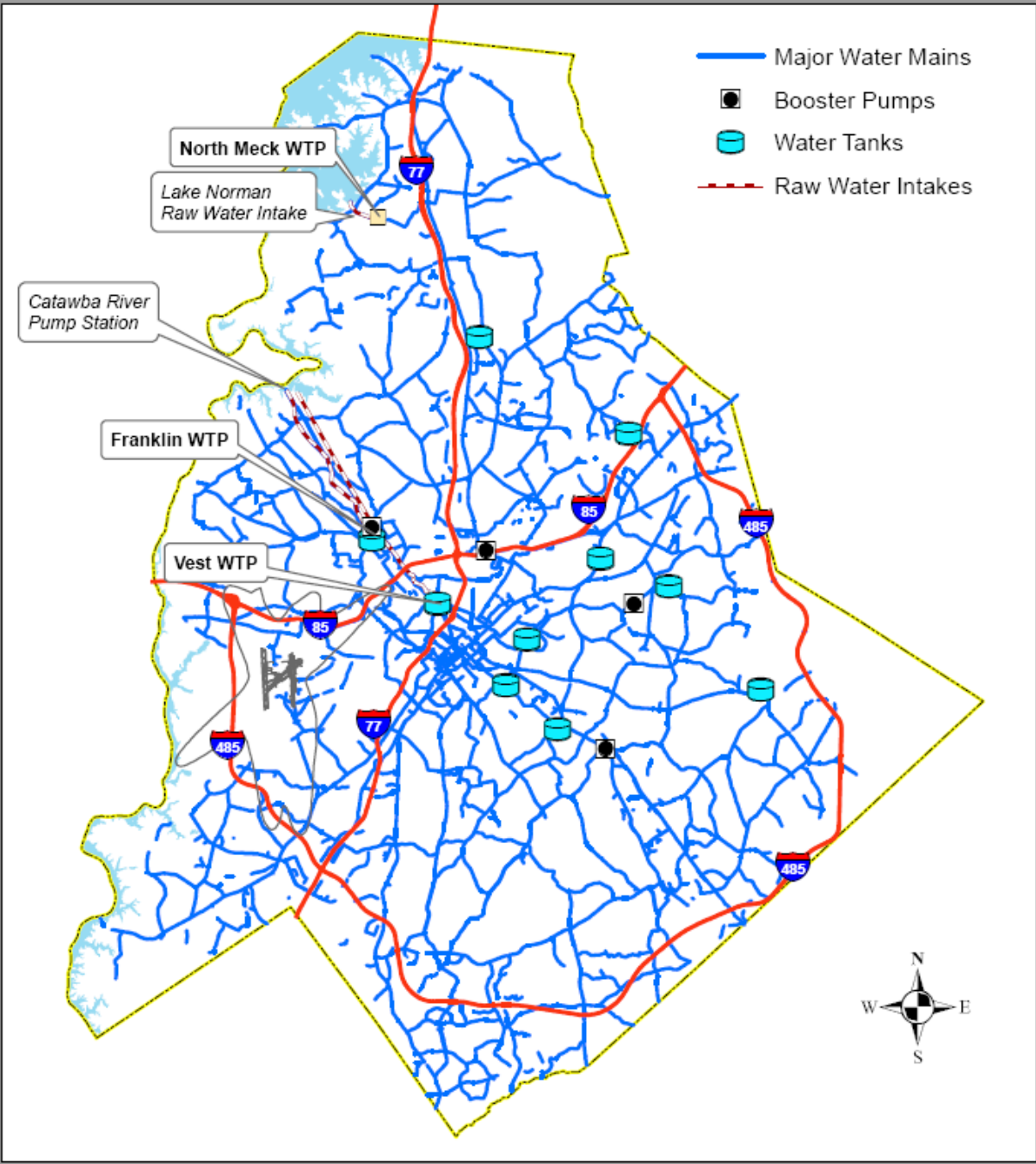
**RHYNE ANNEXATION AREA**

**2011 Annexation**

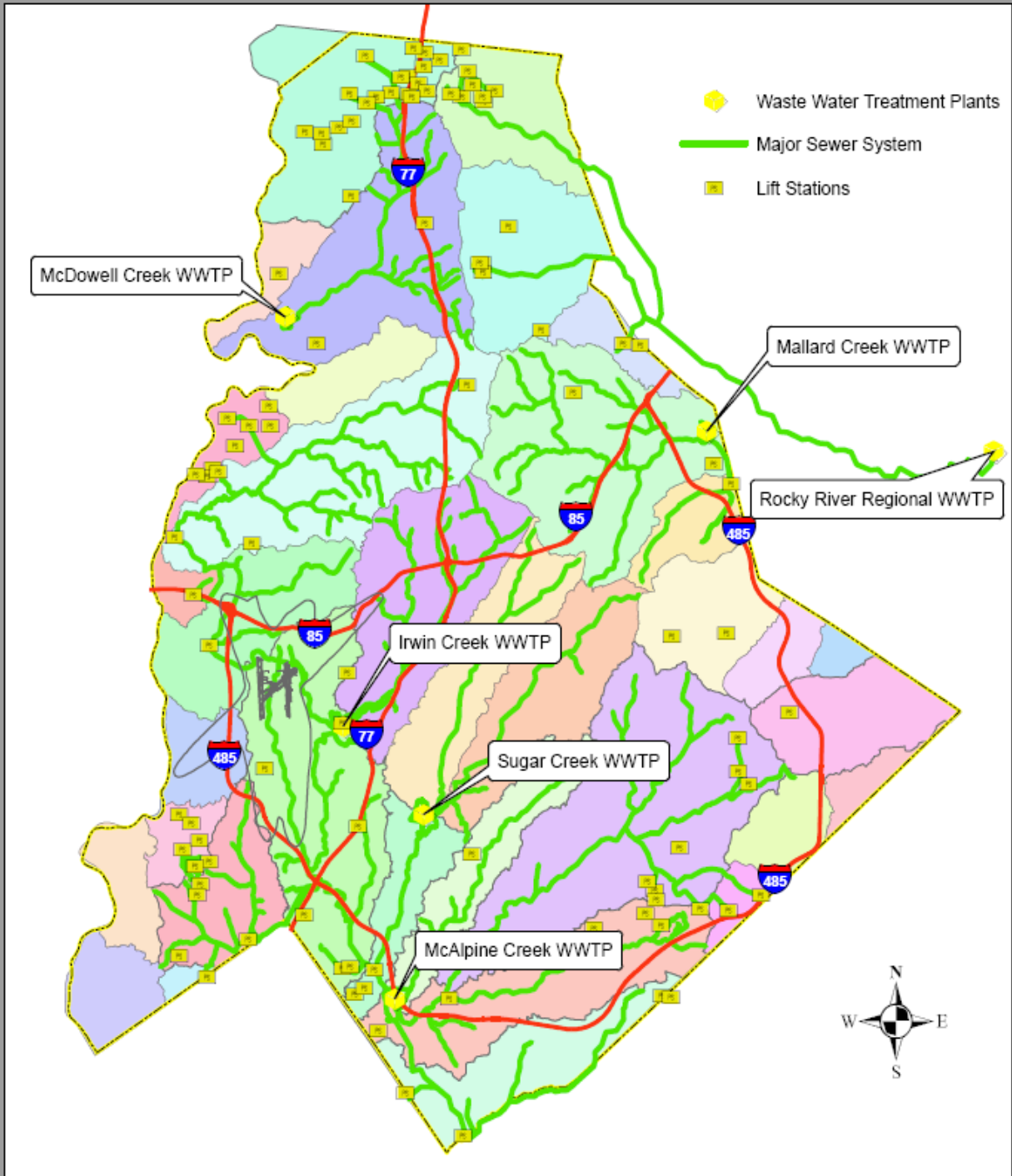
**Proposed Construction Timetable for Water and Sanitary Sewer**

Award Design Contract:	November, 2010
Begin Design/Survey:	November, 2010
Submit 50% of Completed Plans & right-of-way Maps for Acquisition:	May, 2011
Complete Water and Sanitary Sewer Design:	January, 2012
Advertise for Construction:	February, 2012
Complete Construction:	June 30, 2013

# Charlotte-Mecklenburg Utilities Major Water System



# Charlotte-Mecklenburg Utilities Major Sewer System



## **PART III: FIRE PROTECTION IMPACT STATEMENT**

### West Mecklenburg Volunteer Fire Department

The West Mecklenburg Volunteer Fire Department (VFD) provides fire suppression services to the Rhyne annexation area, and the Mecklenburg County Fire Marshal's Office provides fire prevention services. The West Mecklenburg VFD serves as an insurance district as defined by G.S. 153A-233 and no fire tax is levied on the property it protects. It also reports that it does not employ full-time personnel.

The West Mecklenburg VFD estimates that the area of its fire district is **15.96** square miles. It estimates that it protects a population of **6,778** people. The population of the Rhyne area is estimated to be **618** and the area **0.45** square miles (**288.6** acres). Based on this information, annexation of the Rhyne area will result in an estimated 2.8 percent reduction in the area and an estimated 9.1 percent reduction in the population served by the West Mecklenburg VFD. After annexation, the Charlotte Fire Department will provide all fire protection services to the Rhyne area, possibly supplemented by a contract for fire suppression with the West Mecklenburg VFD.

#### Fire Suppression

The West Mecklenburg VFD operates one pumper, two water tankers, one rescue truck, one brush truck, and one boat for fire suppression services. One pumper, two tankers and the rescue truck are typically dispatched to all fires. The West Mecklenburg VFD utilizes water from Charlotte-Mecklenburg Utility hydrants for fire suppression purposes. Volunteer firefighters' response is based on their individual ability to leave home or work when dispatched for a fire. The West Mecklenburg VFD reports that an average of 8 volunteers respond during daylight hours (8:00 a.m. to 6:00 p.m.) and 19 at night (6:01 p.m. to 7:59 a.m.).

At the first report of a structure fire in the Rhyne area, the Cooks Volunteer Fire Department is also

dispatched to assist the West Mecklenburg VFD. The Mecklenburg County communications center provides dispatching to all Mecklenburg County volunteer fire departments, receiving calls through the emergency 911 number. Additional assistance is available upon West Mecklenburg VFD's request from other volunteer departments and from the Charlotte Fire Department.

The Charlotte Fire Department will provide fire suppression response to the Rhyne area after annexation. The Department operates 41 engine companies, 15 ladder companies, 2 rescue companies, 6 water tankers, 5 brush trucks, and other assorted fire suppression equipment. At the first report of a structure fire in the Rhyne area, a battalion chief, two engine companies, and a ladder company will be dispatched with a day and nighttime staff of 13 firefighters and officers. Upon the confirmation of a working structure fire, one additional engine company and a rescue company would also be dispatched, bringing an additional 10 firefighters to the scene. Additional assistance in suppressing fires is available from all Charlotte Fire Department companies, and mutual aid can be requested from volunteer fire departments, and – if necessary – from municipal departments located in adjoining counties. Dispatching will be provided by the Department's communications center, which receives calls through the emergency 911 number.

The West Mecklenburg VFD station is located at 3100 Sam Wilson Road. Average response time from this station to the Rhyne area is estimated by West Mecklenburg VFD to be approximately 3 minutes, depending upon the location of the fire within the Rhyne area. This time does not include response by volunteers to the fire station to staff the fire trucks, which is estimated by West Mecklenburg VFD to average 1 minute during the day and 2 minutes and 30 seconds at night. Because volunteers may respond directly to the fire scene from various parts of the community, it is difficult to determine the response time for an adequate number of personnel to control a fire. The average number of personnel dispatched by the West Mecklenburg VFD is 32.

The Rhyne annexation area will be part of Charlotte Fire Department Station 21's first due response area. Fire Station 21 is located at 1023 Little Rock Road and houses the closest engine with an estimated response time of 3 minutes, 30 seconds (with an estimated response range of between 3 and 5 minutes), representing a distance range of 2.3 to 3.4 miles. The second closest engine and ladder company is housed at Charlotte Fire Department Station 33, located at 2001 Mt. Holly-Huntersville Road.

To ensure that response times are met, the Charlotte Fire Department dispatches the closest available unit to all calls for service. Response times to the Rhyne area meet the City-wide standard for protection, which states that one fire company will arrive on-scene in 6 minutes or less, at least 80% of the time. An effective firefighting force (made up of two engine companies and a ladder company) will arrive on-scene in 9 minutes or less at least 80% of the time.

#### Financial Information

Capital assets of the West Mecklenburg VFD for the most recently completed fiscal year were \$1,650,000. The West Mecklenburg VFD has reported a liability of \$350,000 on apparatus and equipment. The West Mecklenburg VFD estimates a loss of \$22,000, which is 10 percent of their total revenue as a result of the annexation in the Rhyne area.

#### Fire Prevention and Emergency Readiness

The Mecklenburg County Fire Marshal's Office currently provides fire code enforcement, fire investigation services, smoke detector installations, public education, and construction plans review. After annexation, the Charlotte Fire Department will provide all these services, plus juvenile fire setters counseling and fire hydrant maintenance.

#### Insurance Risk

With fire suppression provided by the West Mecklenburg VFD, homes in the Rhyne area have a split



rating of 5/9 from the Insurance Services Organization. After annexation, with service from the Charlotte Fire Department, the Rhyne area will be included in Charlotte's Class 3 rating. Insurance rates for residential and commercial properties vary based upon which insurance company is utilized. However, based upon a sampling of several insurance companies conducted by Charlotte Fire Department staff in March 2010, it was shown that insurance rates for properties located within the Charlotte city limits are approximately 5 percent lower than homes within unincorporated Mecklenburg County.

## PART IV: CITY FINANCES AND SERVICES IMPACT STATEMENT

The City has prepared an analysis of forecasted revenues and cost estimates for providing City services as part of an economic analysis for each annexation area. These revenues include the property tax, sales tax, beer and wine tax, utility franchise tax, business privilege tax, animal licenses, motor vehicle license, utilities franchise tax, solid waste disposal fees, storm water fees, and Powell Bill funds. Service cost estimates were generated for street/transportation services, fire and police protection services, engineering services, solid waste collection, water and sewer service, neighborhood development service, and business support services.

An analysis of revenues and costs for the Rhyne annexation area indicates projected revenues of \$205,163 and \$256,020 in the first and second years of annexation, respectively. The anticipated service costs are \$964,390 and \$70,007 in the first and second years, respectively. In addition, \$1,500,000 in capital improvements are recommended for projects such as water and sewer service extensions.

The analysis of revenues and costs was presented to City Council at their meeting of **June 14, 2010**. Detailed information is on file in the City Clerk’s Office (“2011 Preliminary Annexation Report”) and in Appendix B of this Report.

There are several sources of revenues for Mecklenburg County that will be impacted by the proposed annexation. Those revenue sources and the estimated change in those revenues for the City as a result of the proposed annexation are set forth in the following chart:

TAXES AND FEES	FY 2011 City Revenues	FY 2012 – Annexation Area Estimated Revenue Change	FY 2013 – Annexation Area Estimated Revenue Change
Sales Tax	\$64,350,000	\$2,260	\$25,735
Beer and Wine Tax	\$3,166,289	2,979	3,068

A copy of this Report (including Appendix B), as well as a copy of the Preliminary 2011 Annexation Report are both provided to the Clerk of the Board of County Commissioners for Mecklenburg County.

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# APPENDICES

## APPENDIX A

### STATISTICAL SUMMARY PER ANNEXATION STATUTORY REQUIREMENTS

#### RHYNE AREA IN TERMS OF STATUTORY REQUIREMENTS (STATISTICS COMPILED FEBRUARY, 2010)

##### STATUTORY PREREQUISITE

At least one-eighth (1/8) of the total boundary (or 12.5%) of the area must coincide with the present municipal boundary.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total boundary	20,254.1 ft.	
2. Boundary contiguous with municipal boundary	15,228.9 ft.	
3. Proportion of total boundary contiguous with municipal boundary	75.1%	>= 12.5%

*(area meets this statutory prerequisite)*

##### QUALIFYING CRITERIA – GS 160A-48(c)(1)

Has a resident population equal to at least 2.3 persons for each acre of land within the developed part of the area.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of dwellings in developed part of area	288 219 single family 69 multi-family	
2. Average number of persons per household (2000 Census) <sup>(1)</sup>	2.66 (single family) 1.34 (multi-family)	
3. Estimated population of developed part of the area <sup>(2)</sup>	618	
4. Acreage of developed part of the area	218.1	
5. Population per acre in developed part of area	2.83	>= 2.3

*(area qualifies under GS 160A-48(c)(1))*

<sup>(1)</sup> augmented by the 2008 U.S. Census American Community Survey data

<sup>(2)</sup> augmented by Greater Charlotte Apartment Association Real Data Apartment Market Index (March 2010)

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA – GS 160A-48(c)(2)

Has a resident population equal to at least one person per acre in the developed part of the area, and at least 60% of the acreage of all the lots in the developed part of the area must be in lots 3 acres or less and at least 65% of the number of lots in the developed part of the area must be one acre or less.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Population per acre (calculated above)	2.83	>= 1.0
2. Total acreage of all lots in developed part of the area	169.4	
3. Total acreage of lots 3 acres or less in developed part of area	78.2	
4. Acreage of 3 above as proportion of 2 above	46.2%	>=60%
5. Total number of lots in developed part of the area	426	
6. Number of lots in developed portion of area 1 acre or less	408	
7. Number of lots in 6 above as proportion of 5 above	95.7%	>=65%

*(area does not qualify under GS 160A-48(c)(2))*

QUALIFYING CRITERIA – GS 160A-48(c)(3)

At least 60% of the total number of lots and tracts in the developed part of the area at the time of annexation are used for urban purposes, and is subdivided into lots and tracts such that at least 60% of the total acreage in the developed part of the area (not counting acreage used for commercial, industrial, governmental, or institutional purposes) consist of lots and tracts three acres or less in size.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of lots and tracts in developed part of area	426	
2. Total number of lots and tracts used for urban purposes in developed part of area	294	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	69.0%	>=60%
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	146.1	
5. Total acreage of developed part of area in lots and tracts 3 acres or less, not counting acreage used for commercial, industrial, governmental, or institutional purposes	73.9	
6. Acreage in 5 above as proportion of acreage in 4 above	50.5%	>=60%

*(area does not qualify under GS 160A-48(c)(3))*

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA – GS 160A-48(d)

At least sixty percent of the external boundary of the area not meeting the requirements of subsection (c) (above) must coincide with any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (c). However, these areas not yet developed for urban purposes may not exceed twenty-five percent of the total area to be annexed.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total acreage of annexation area (combined subsection (c) & (d))	288.6	
2. Total acreage of subsection “d” land	70.5	
3. Percent of area which is subsection “d”	24.3%	<=25%
4. Total boundary of subsection “d” land	11,094.7 feet	
5. Boundary of subsection “d” land contiguous with municipal boundary and boundary of developed part of area	11,094.7 feet	
6. Boundary in 4 above as proportion of 5 above	100%	>=60%

***(area qualifies under GS 160A-48(d))***

**APPENDIX B**

**2011 Annexation Area Economic Analysis: Rhyne**

	FY11	FY12			FY13
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
<b>EXPENDITURES</b>					
TRANSPORTATION					
Street Lighting	0	0	5,459	5,459	5,459
Operations	0	10,822	0	10,822	0
Electronic Systems	0	0	0	0	0
FIRE					
Operations	350	0	14,963	14,963	15,389
SOLID WASTE					
	19,488	0	44,964	44,964	46,470
ENGINEERING					
Operations	0	0	2,689	2,689	2,689
CITY MANAGER'S OFFICE					
Corporate Communications	23,316	0	0	0	0
NEIGHBORHOOD & BUSINESS SERVICES					
	0	0	0	0	0
BUSINESS SUPPORT SERVICES					
	0	0	0	0	0
ECONOMIC LOSS					
Volunteer Fire Departments	8,519	0	0	0	0
Private Solid Waste Collection Firms	35,250	0	0	0	0
<b>TOTAL GENERAL FUND</b>	<b>86,923</b>	<b>10,822</b>	<b>68,075</b>	<b>78,897</b>	<b>70,007</b>
POWELL BILL FUND					
Street Maintenance	0	0	135,493	135,493	0
UTILITIES	0	0	0	0	0
STORM WATER FUND	0	0	0	0	0
<b>TOTAL OPERATING EXPENDITURES</b>	<b>86,923</b>	<b>10,822</b>	<b>203,568</b>	<b>214,390</b>	<b>70,007</b>
GENERAL CAPITAL					
Fire Stations	0	0	0	0	0
UTILITIES (Capital Expend)					
Water	150,000	150,000	0	150,000	0
Sewer	600,000	600,000	0	600,000	0
McKee Creek Sewer Interceptor	0	0	0	0	0
<b>TOTAL EXPENDITURES</b>	<b>836,923</b>	<b>760,822</b>	<b>203,568</b>	<b>964,390</b>	<b>70,007</b>



## 2011 Annexation Area Economic Analysis: Rhyne

	FY11	FY12			FY13
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
<b>REVENUES</b>					
TAXES AND FEES					
Property Taxes <sup>(1)</sup>	0	0	191,898	191,898	195,735
Police Service District Reduction <sup>(1)</sup>	0	0	(123,025)	(123,025)	(125,486)
Business Privilege	0	0	120	120	124
Cable TV Franchise	0	0	28,135	28,135	28,979
Animal Control	0	0	432	432	445
Utility Franchise	0	0	20,073	20,073	20,675
Sales Tax <sup>(1)</sup>	0	0	2,260	2,260	25,735
Beer and Wine Tax	0	0	2,979	2,979	3,068
Motor Vehicle License	0	0	4,230	4,230	4,315
Solid Waste Disposal	0	0	11,718	11,718	11,718
<b>TOTAL GENERAL FUND</b>	<b>0</b>	<b>0</b>	<b>138,819</b>	<b>138,819</b>	<b>165,308</b>
POWELL BILL FUND	0	0	16,616	16,616	17,115
WATER AND SEWER OPERATING	0	0	0	0	0
MUNICIPAL DEBT SERVICE FUND <sup>(1)</sup>	0	0	13,636	13,636	25,257
PAY-AS-YOU-GO FUND <sup>(1)</sup>	0	0	24,517	24,517	36,069
STORM WATER FUND	0	0	11,575	11,575	12,270
<b>TOTAL OPERATING REVENUES</b>	<b>0</b>	<b>0</b>	<b>205,163</b>	<b>205,163</b>	<b>256,020</b>
COPs – FIRE STATION	0	0	0	0	0
WATER AND SEWER REVENUE BONDS	750,000	750,000	0	750,000	0
<b>TOTAL ALL REVENUES</b>	<b>750,000</b>	<b>750,000</b>	<b>205,163</b>	<b>955,163</b>	<b>256,020</b>
<b>REVENUES OVER EXPENDITURES</b>	<b>(86,923)</b>	<b>(10,822)</b>	<b>1,595</b>	<b>(9,227)</b>	<b>186,013</b>
Net Impact to General Fund	(86,923)	(10,822)	70,744	59,922	95,301

**Note:**

<sup>(1)</sup> portions of the property tax, sales tax, and police service district reduction are allocated to the Pay-As-You-Go and Municipal Debt Service Funds

## APPENDIX C

### 2011 ANNEXATION AREA BOUNDARY DESCRIPTION

#### RHYNE ANNEXATION AREA

Beginning at a point on the existing CHARLOTTE CITY LIMITS LINE, said point being located on the center of the northern most track of the Seaboard Coast line Railroad and also being the Northeasterly corner of Deed Book 15985 Page 950 (tract 2) and being located on the Westerly line of Deed Book 1162 Page 240; thence in a Southeasterly direction along and with the existing CHARLOTTE CITY LIMITS LINE, also being the center of the northern most track of the Seaboard Coast Line Railroad, approximately 119 feet to a point where the said center of the northern most track of the Seaboard Coast Line Railroad, intersects with a line 40.0 feet West of and parallel with the centerline of Lee Drive; thence in a Northerly direction, along and with the existing CHARLOTTE CITY LIMITS LINE, following along a line 40.0 feet West of and parallel with the centerline of Lee Drive, approximately 902 feet to a point, said point being located 40.0 feet South of and normal to the centerline of Mount Holly Road; thence in a Westerly direction, along and with the existing CHARLOTTE CITY LIMITS LINE, following along a line 40.0 feet South of and parallel with the centerline of Mount Holly Road approximately 500.00 feet to a point where said parallel line 40.0 feet South of the centerline of Mount Holly Road intersects with the Easterly boundary line of the lot as described in Deed Book 3697, page 484 (if extended); thence in a Northeasterly direction along and with the existing CHARLOTTE CITY LIMITS LINE, crossing Mount Holly Road and following along the Easterly boundary line of the lot as described in said Deed Book 3697, page 484 as having a bearing of North 38-50-03 East approximately 1,206 feet to a point, said point being the Southwesterly rear corner of Lot 27 in Block A as shown on recorded Map Book 6, page 505; thence in a Northwesterly direction, along and with the existing CHARLOTTE CITY LIMITS LINE, following along the Southerly boundary line of Lots 28, 29 and Lot 7 in Block A as shown on said recorded Map Book 6, page 505 as having a bearing of North 80-05 West, a total distance of 933 feet to a point, said point being the Southwesterly rear corner of Lot 7 in Block A as shown on said recorded Map Book 6, page 505; thence in a Northerly direction along and with the existing CHARLOTTE CITY LIMITS LINE, following along the common dividing boundary line between Lot 7 and Lot 6 in Block A, crossing Tom Sadler Road (SR 1769) and following along the common dividing boundary line between Lot 5 and Lot 6 in Block C as shown on said recorded Map Book 6, page 505 approximately 628 feet to a point, said point being the Southwesterly rear corner of Lot 12 in Block C as shown on said recorded Map Book 6, page 505; thence along and with the existing CHARLOTTE CITY LIMITS LINE following the rear boundary line of Lots 12 thru 18 in Block C, the rear and Northerly boundary line of Lot 19 in Block C, crossing Gum Branch Road (SR 1775) and following along the Northerly boundary line of Lots 17, and 18 in Block B as shown on said recorded Map Book 6, page 505 as having a bearings and distances as follows: 1) North 5-45 East 494.5 feet to a point; 2) South 83-50 East 862 feet to a point in the rear boundary line of Lot 13 in Block L as shown on recorded Map Book 10, page 55; thence in a Northerly direction along and with the existing CHARLOTTE CITY LIMITS LINE, following along a portion of the rear boundary line of Lot 13 in Block L, the rear boundary line of Lots 12 through 5 and a portion of Lot 4 in Block L as shown on said recorded Map Book 10, page 55 as having a bearing of North 6-29-00 West, a total distance of 1,361.05 feet to a point located on the southerly boundary line of Deed Book 9683 page 311; thence along and with the existing CHARLOTTE CITY LIMITS LINE, following the Southerly line of a lot as described in said Deed Book 9683, Page 311 as having a bearing of North 85-52-43 West, approximately 360 feet to a point, said point being located on the Easterly margin of Gum Branch Road (SR 1775); thence continuing in westerly direction, along and with the existing CHARLOTTE CITY LIMITS LINE, to a point located in the centerline of said Gum Branch Road as shown on the Annexation Map within Ordinance Book 51 Page 619 recorded in Deed Book 13840 Page 457; thence continuing in a Westerly direction, along and with the existing CHARLOTTE CITY LIMITS LINE, with a bearing and distance of North 85-58-07 West 651.18 feet to a point; thence along and with the existing CHARLOTTE CITY LIMITS LINE, following the proposed R/W of I-485 project # 6.678006B with the following (5) bearings and distances: (1) South 33-26-19 West 182.02 feet to a point; (2) South 35-30-56 West 456.69 feet to a point; (3) South 38-34-27 West 147.14 feet to a point; (4) South 44-53-00 West 175.60 feet to a point; (5) South 86-55-12 West 95.27 feet to a point; thence along and with the existing CHARLOTTE CITY LIMITS LINE following the common line of Deed Book 10394 Page 938, North 86-05-52 West 261.18 feet to a point, said point being the Southwesterly corner of a 55.06 acre tract

as described in said Ordinance Book 51 Page 619 recorded in Deed Book 13840 Page 457 and also being the Northwestern corner of Deed Book 10394 Page 938 located on the Easterly boundary line of Deed Book 12194 Page 585; thence in a Northerly direction along and with the existing CHARLOTTE CITY LIMITS LINE, and the Westerly line of aforesaid 55.06 acre tract described in aforesaid Ordinance Book 51 Page 619 and the Easterly line of Deed Book 12194 Page 585 with the following (6) bearings and distances: (1) North 03-38-29 East 265.16 feet to a point;(2) North 03-36-34 East 549.41 Feet to a point; (3) South 85-56-13 East 215.95 feet to a point; (4) North 04-45-58 East 215.44 feet to a point; (5) North 85-46-19 West 215.88 feet to a point; (6) North 01-00-51 East 394.86 feet to a point, said point being the Northeasterly corner of said Deed Book 12194 page 585 and also being the Southerly common corner with Lot 31 and Lot 30 recorded in Map Book 12 Page 367 and being located on the Westerly line of 55.06 acre tract as recorded in aforesaid Ordinance Book 51 Page 619; thence in a Westerly direction along and with the existing CHARLOTTE CITY LIMITS LINE, following the Southern line of Lot 30 through Lot 17 recorded in Map Book 12 Page 367 and Lot 16 recorded in Map Book 12 Page 369 with the following (4) bearings and distances: 1) North 84-16-20 West 409.66 feet; 2) South 84-14 West 943.72 feet; 3) South 6-42-30 West 316.67 feet to a point; 4) South 51-21-30 West 388.15 feet to a point being the common Eastern corner of Lots 15 and 16, recorded in Map Book 12 Page 39; thence continuing in a Southwesterly direction along and with the existing CHARLOTTE CITY LIMITS LINE and the Southerly lines of Lots 15 through Lot 3 recorded in Map Book 12 Page 369 with the following (4) bearings and distances: 1) South 0-42-40 East 421.64 feet; 8) South 82-58-40 West 200.0 feet; 2) South 6-56-20 East 30.0 feet; 3) South 71-47 West 724.72 feet; 4) South 19-49 West 272.43 feet to a point, said point being the Easterly most corner of lot as described in Deed Book 5110, Page 879; thence along and with the existing CHARLOTTE CITY LIMITS LINE and the Southerly line of lot as described in said Deed Book 5110, Page 879 as having a bearing and distance of South 19-49 West approximately 235.0 feet crossing Mount Holly Road (NC Highway 27) to a point located on the existing CHARLOTTE CITY LIMITS LINE and also being located 40 feet West of and normal to the centerline of Mount Holly Road (NC Highway 27); thence leaving the existing CHARLOTTE CITY LIMITS LINE and continuing with said line South 19-49 West approximately 10 feet to a point, said point being located on the Right-of-way Line of Mt. Holly Road approximately 50 feet West of and normal to the centerline of Mount Holly Road (NC Highway 27) said point also being located between station 8+22.69 Y-10/15.000 (49.21 ft) and station 8+76.015 Y-10/15.000 (49.21 ft) as shown on sheet 22 on a set of North Carolina State Highway Plans having a Project No. 6.678001B and having a Project Reference No.R-2248 BB, said plans being recorded in the Mecklenburg County Register of Deeds Office in Map Book 3 Page 530; thence in a Southeasterly direction along and with the Right-of-way line as shown on sheet 22 approximately 40 feet to the point being described as station 8+76.015 Y-10/15.000 (49.21 ft)per said plans; thence continuing in a Southeasterly direction along and with a line 50 feet West of and parallel to the centerline line of Mount Holly Road (NC Highway 27) approximately 1,040 feet to a point, said point being located approximately 50 feet West of and normal to the centerline of Mount Holly Road (NC Highway 27),said point also being located on the Westerly property line of Deed Book 20097 Page 150 in the approximate centerline of Rhyne Road ; thence in a Southwesterly direction South 14-46-02 West approximately 21 feet to a point located approximately at the intersection of the centerline of Rhyne Road (SR 1609)and the center of the Northern most track of the Seaboard Coast line Railroad; thence in a Southeasterly direction following along the centerline of the Northern most track approximately 3,870 feet to a point, said point being the POINT AND PLACE OF BEGINNING.

## APPENDIX D

### **RIGHTS OF OWNERS OF OCCUPIED DWELLING UNITS AND OPERATING COMMERCIAL OR INDUSTRIAL PROPERTY IN THE AREA OF RIGHTS TO REQUEST WATER AND SEWER SERVICE (AND REQUEST FORM)**

Owners of occupied dwelling units and owners of operating commercial or industrial property within the area proposed to be annexed have the right under Chapter 160A, Article 4A, Part 3 of the North Carolina General Statutes (the Annexation Statutes) to request the City to provide for extension of water and/or sewer lines to such property or to a point on a public street or road right-of-way adjacent to such property according to the financial policies in effect in the City for extending water and sewer lines. Those statutes require certain steps to be taken by qualified property owners and by the City. If those steps are taken in accordance with those statutes, both the City and qualified property owners under the Annexation Statutes will have different rights and obligations than would otherwise apply. Any property owner who is interested in pursuing such rights and obligations should review the Annexation Statutes for a description of such rights and obligations and should consider consulting with an attorney representing the property owner. The Annexation Statutes require that a request to extend a water and/or sewer line must be submitted on a form available from the office of the City Clerk and must be returned to that office no later than five (5) days after the public hearing on the question of annexing the area in order to preserve this right. (A copy of this form, and the instructions for its completion, may be found below.) As of the approval of this Report, the public hearing on the question of annexing the area is scheduled to be conducted during the City Council meeting scheduled for Monday, **August 23, 2010** beginning at 6:00 PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, located at 600 East Fourth Street, Charlotte, North Carolina. The meeting schedule/location is subject to change in accordance with applicable law. Information about any changes in the meeting schedule/location of the City Council may be obtained from the City Clerk.

The applicable connection and capacity fees currently in effect are as follows. Depending on the circumstances associated with a requested extension, the costs to be paid may differ than those set forth below.

- Residential sewer: \$3,765 for a conventional 4-inch sewer lateral to the property line with a standard ¾” water meter listed below if paid prior to construction of the requested sewer line. Larger sewer services will be at additional cost. Areas served by low pressure sewer systems (primarily lake front property) will require significant additional expense by the property owner for a low pressure sewer pumping system. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.
- Residential water: \$1,991 for a standard ¾” water meter to the property line if paid prior to the construction of the requested water line. Larger water meters will be at additional cost. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.
- Commercial/Industrial sewer: Fees are a function of the size of sewer connection required and the water meter size plus 50% of the cost to construct the requested sewer line. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221
- Commercial/Industrial water: Fees are a function of the size of the water meter(s) required for the various water uses (ie. domestic, fire protection and irrigation) plus 50% of the cost to construct the requested water line. In addition there will be a backflow preventer. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.

The above fees are based upon the fee structure in place for Fiscal 2010 (July 1, 2009 through June 30, 2010) and are the fees which would apply to requests made in accordance with the terms of this Request and the Annexation Statutes. All other requests for extensions will be subject to the fee structure in effect at the time of payment.

**For the current annexation process, the deadline required by the Annexation Statutes for filing this form with the City Clerk is by the close of business on Monday, August 30, 2010.**

REQUEST OF PROPERTY OWNER(S) IN AREA TO BE ANNEXED  
FOR EXTENSION OF WATER AND/OR SEWER LINE(S) ("REQUEST")

1. Pursuant to G.S. §160A-47(3)(b), the undersigned hereby request(s) the City of Charlotte to extend the following water and/or sewer line(s) to the Subject Property as described below, or to a point on a public street or road right-of-way adjacent to the Subject Property according to the financial policies in effect in the City of Charlotte for extending water and sewer lines:

Water Line:(Check one) \_\_\_\_\_ Yes; \_\_\_\_\_ No

Sewer Line:(Check one) \_\_\_\_\_ Yes; \_\_\_\_\_ No

2. Describe the real property to be served by the requested water and/or sewer extension ("Subject Property"). The description must be as accurate and complete as possible, including but not limited to the following:

a) Street address of the Subject Property \_\_\_\_\_

\_\_\_\_\_

b) Deed reference and/or county tax parcel number of the Subject Property \_\_\_\_\_

\_\_\_\_\_

c) Other identifying information about the Subject Property (plat reference, or attach metes and bounds description if available) \_\_\_\_\_

\_\_\_\_\_

d) Attach map of Subject Property, if available.

3. Name(s) of owner(s) (Important: List full name of each person or entity who holds an ownership interest in the Subject Property)

<u>Name</u>	<u>Current Mailing Address</u>	<u>Current Telephone No.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*(Note - attach additional sheets as necessary)*

4. The undersigned certify(ies) that: he/she/they own(s) the Subject Property or is/are authorized to execute this Request on behalf of the owner(s); and no person or entity holds an ownership interest in the Subject Property to the best of his/her/their knowledge, except as listed in Paragraph 3 above.

5. The undersigned certify(ies) that: the Subject Property is located within the area to be annexed by the City of Charlotte, as described in the resolution of intent adopted by the City Council on \_\_\_\_\_, 20\_\_\_\_\_ and designated in the resolution of intent as the \_\_\_\_\_ Area (insert name of annexation area (“Area”).
6. The undersigned certifies that the Subject Property is of one of the following types (check one):
  - \_\_\_\_\_ Occupied Dwelling Unit
  - \_\_\_\_\_ Operating Commercial Property
  - \_\_\_\_\_ Operating Industrial Property
  - \_\_\_\_\_ Other (If other, describe how the Subject Property is currently used on a separate sheet and submit as attachment to this request.)
7. The undersigned understand(s) and acknowledge(s) that, if this Request requires the extension of a water and/or sewer line along the right-of-way of a street or road, this Request shall be effective *only* if: such street or road has been accepted for maintenance as a public street or road by the State of North Carolina on or before the date of the public hearing for the Area; or, if it is not feasible to provide water sewer service connections to the above-described property within publicly maintained streets within the meaning of the Water/Sewer Extension Policy (Appendix E to the Report for the Area), and all applicable requirements of that Policy are satisfied on or before the date of the public hearing for the Area. The requested extension will not be required to be made if such street or road has not been accepted for maintenance as a public street or road by the State of North Carolina by such date or, if it is not feasible to provide water sewer service connections to the above-described property within publicly maintained streets within the meaning of the Water/Sewer Extension Policy (Appendix E to the Report for the Area), and all applicable requirements of that Policy are not satisfied on or before the date of the public hearing for the Area. A new request for the extension of water and/or sewer lines may be submitted if such street or road is accepted for public maintenance by the State of North Carolina or the City of Charlotte after the date of the public hearing for the Area or, if it is not feasible to provide water/sewer service connections to the above-described property within publicly maintained streets within the meaning of the Water/Sewer Extension Policy (Appendix E to the Report for the Area), and all applicable requirements of that Policy are satisfied after the date of the public hearing for the Area. The water and/or sewer line(s) included in such a new request will be installed after receipt of the new request in accordance with the applicable law and the policies of the City of Charlotte for water and/or sewer extensions that are in effect at that time.
8. The undersigned understand(s) and acknowledge(s) that: this Request form was supplied by the City of Charlotte as provided by law; this Request form must be properly completed, executed and received by the City Clerk (Charlotte Mecklenburg Government Center, 600 East Fourth Street, Charlotte, NC 28202) not less than 5 days after the public hearing on the question of annexing the Area in order to be valid; time is of the essence in all matters related to the submission and implementation of this Request; and the requested extension will be made according to the current financial policies of the City of Charlotte for making such extensions, which may require substantial advance financial participation by the owner(s) of the Subject Property.
9. All funds which the owner(s) of the Subject Property is/(are) required to pay under current financial policies must be received by the Director of Charlotte-Mecklenburg Utilities (5100 Brookshire Blvd., Charlotte, NC 28216) within twenty (20) calendar days after written demand by the City of Charlotte is mailed to the owner(s) of the Subject Property, using the name(s) and address(es) appearing in Paragraph 3 above. This written demand will be no sooner than the effective date of this annexation which is June 30, 2011. Failure to pay all funds in full and in a timely manner will render this Request void automatically and the requested extension will not be required to be made.
10. The rights, privileges and obligations vested in the owner(s) of the Subject Property by the due execution and timely submission of this Request may not be transferred in any manner.

11. This Request must be signed by each owner or duly authorized representative in compliance with the Instructions for Signing, attached hereto as Exhibit A and incorporated herein by reference. This Request will be rendered void if it is not duly executed in compliance with Exhibit A by each owner or duly authorized representative.
12. This Request will be rendered void by the occurrence of any one or both of the following circumstances: failure to complete this Request or provide any information which the undersigned is required to provide by this form; or inclusion on this Request of any false or misleading information.
13. No portion of this Request may be stricken by any person. No term or condition may be added to this Request. If any portion of this Request form is modified in any manner, except as required by the due completion and execution hereof, the resulting Request is subject to being declared void by the Key Business Executive of CMU.
14. The undersigned agree(s) to provide the City of Charlotte, upon written request, with such information as may be reasonably necessary or convenient to determine the validity of this Request and the applicability of G.S. §160A-47(3)(b) to this Request. Failure to provide such information within ten (10) calendar days after receipt of the City's request will authorize the Key Business Executive of CMU to declare this Request to be void.
15. The City acknowledges that the undersigned may be entitled to certain benefits as set forth in the Annexation Statutes if the undersigned complies with the terms of this Request and with the Annexation Statutes related to this Request and if the City fails to install the requested water and/or sewer lines within 2 years of the effective date of annexation. Such benefits may include a court order requiring the completion of such line(s) and the payment of costs and attorney fees in any successful court action against the City. Additional, possible relief from property taxes may be requested from the North Carolina Local Government Commission. The undersigned acknowledge(s) that: the undersigned is/are solely responsible for complying with the applicable requirements imposed on property owners by the Annexation Statutes related to the requested water and/or sewer line and for complying with the applicable requirements imposed on property owners by this Request; and the City has not waived compliance with such requirements in any manner.
16. The undersigned understand(s) and acknowledge(s) that all of the terms and conditions set forth in this Request are valid and binding upon the undersigned.

SIGNATURES:

SIGNATURES:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*(Note: Attach additional sheets as necessary)*



EXHIBIT A

Instructions for Signing Request of Property Owner(s)  
In Area to Be Annexed for Extension of Water And/Or Sewer Lines

- \* Own signature: Each person signing the Request must sign his or her own name and provide his/her address. No one can sign this Request on behalf of another person, unless there is a valid power of attorney or court order authorizing the person signing the Request to do so on behalf of any property owner and unless a copy of such power of attorney or court order is submitted as an attachment to this Request.
- \* Wife and husband: If the property is owned jointly by a wife and husband, each spouse must sign the Request. One spouse cannot sign for another spouse.
- \* Corporation: If the property owner or representative is a corporation, the Request must be executed by a corporate officer authorized to act on behalf of the corporation, attested by the corporate secretary, and the corporate seal affixed.
- \* Partnership: If the property owner or representative is a general or limited partnership, the Request must be signed by a general partner of the partnership.
- \* Limited Liability Company: If the property owner is a limited liability company, the Request must be signed by a manager of the limited liability company.
- \* Tenants in common: Each tenant in common in the ownership of the Subject Property must sign the Request. A "tenant in common" describes a situation where a property is owned by two individuals who are not married to one another.
- \* Life estate: If a person has only a life estate in the Subject Property, it is necessary to include the signature(s) of the owner(s) of the remaining interest(s) as well as the life tenant's signature.

Any signature on the Request that is not in compliance with these instructions shall be invalid.

---

*Do Not Write Below This Line*

The Clerk (or designated Deputy or Assistant) of the City of Charlotte hereby certifies that the attached Request form was received on the following date:

\_\_\_\_\_

Signature: \_\_\_\_\_  
Clerk (Deputy/Assistant)

Date: \_\_\_\_\_

## APPENDIX E

### Charlotte-Mecklenburg Utilities (Water/Sewer) EXTENSION POLICY

#### A. PURPOSE

The purpose of this policy ("Policy") is to establish the method to be used for the orderly and financially sound extension of the public water and sewer system. This Policy is applicable to the entire Charlotte-Mecklenburg Utilities ("Utilities") service area. All extensions of water and sewer mains shall be dependent on adequate capacity within the existing system, approved funding for Utilities' participation and receipt of all required permits and approvals.

#### B. FACILITIES PROVIDED BY UTILITIES

Utilities will provide certain basic components of the water and sewer system. These components include treatment facilities, water pumping stations, major and/or regional wastewater lift stations, water storage tanks, wastewater interceptor and trunk mains, and major water transmission mains. The purpose of these facilities is to treat, store, and convey water and wastewater throughout the service area. These facilities will be constructed and/or improved according to a Capital Improvements Program ("CIP") which is reviewed and approved annually by the Charlotte City Council.

Utilities administers several programs described later in this Policy intended to provide smaller water and sewer mains along publicly maintained streets where individual customers may connect to receive service. Water or sewer mains may be constructed along existing, publicly maintained streets within the Utilities service area. *Publicly maintained streets* shall mean NC DOT SR numbered roads, NC or US numbered highways, or municipal streets which are eligible for Powell Bill Funds (For purposes of this Policy, all references to "street" shall be construed to refer to "publicly maintained street," unless otherwise expressly provided). In areas where there are existing, public utilities in streets which do not satisfy this definition and extensions are requested, Utilities shall review each such request on a case-by-case basis taking into consideration the merits of each case, among other factors.

This Policy is intended to provide water and sewer service connections within publicly maintained streets when this is feasible. Except as noted in section III(D)(3), when this is not feasible, water mains or sewer mains and associated service connections may be located within access/water/sewer easements when Utilities determines that the criteria set forth below are satisfied. (The portion of this Policy providing for water or sewer lines in access/water/sewer easements is not a separate or independent extension policy. It is intended to apply only as an alternative to other portions of this Policy which provide for the extension of water or sewer lines within publicly maintained streets. Compliance with all other provisions of the applicable extension policy is required.)

- No suitable publicly maintained street exists or is proposed for construction where the proposed water and/or sewer system can be located and no other practical, acceptable means of providing public water and sewer service to residents exists as determined by Utilities.
- The access/water/sewer easement width is at least 40' plus additional temporary construction easement as needed and is determined by Utilities to be suitable for the construction, re-construction, operation and maintenance of the proposed water and/or sewer system.
- The access/water/sewer easement is in a location and alignment that is most likely to be used as a publicly maintained street should one be built in the future;
- The access/water/sewer easement is donated to Utilities cleared of trees, shrubs, structures, wells, septic systems and any other known obstacles that could conflict with or prevent the design, construction, re-construction, operation, and/or maintenance of the proposed water and/or sewer system and is provided at no cost to Utilities. Otherwise, the grantor(s) of the access/water/sewer easement must agree to pay the full costs to clear the easement and remove the obstacles. Utilities should not be subjected to any costs for the design, construction, re-construction, operation or maintenance of the water or sewer lines in access/water/sewer easements that would not be expected if the lines were to be placed in a publicly maintained street.
- In the event conditions in the access/water/sewer easement are discovered at any time during the project that will result in unreasonable or unusual cost increases, environmental impact, or disruption to the public Utilities may terminate the project without further obligation to provide

service.

- Utilities is required only to restore travel surfaces and ground conditions within the access/water/sewer easement and any temporary construction easement to a condition similar to that existing prior to construction/re-construction of the proposed water and/or sewer system and is not required to improve or expand pavement, structures, drainage facilities, or landscaping features at any time during or after the construction of the proposed water and/or sewer system. If work of this type is required by applicable law or to allow water and/or sewer construction, re-construction, operation, and maintenance, the easement grantor(s) must agree to be responsible for the costs of this work.
- The access/water/sewer easement must expressly provide that public access to the access/water/sewer easement can only be restricted in a manner that is substantially similar to restrictions to the use of publicly maintained streets.
- The access/water/sewer easement grantor(s) must agree to keep the access/water/sewer easement free from structures, fences, gates, barricades, wells, septic systems, trees landscaping, or other conditions or obstacles that could impede or limit vehicular or equipment access required to construct, re-construct, operate or maintain the installed water and/or sewer system.
- The access/water/sewer easement must provide access to water and/or sewer service for multiple, individually owned parcels of land that will have individually metered services.
- Utilities may not be subjected to any requirements or restrictions for the design, construction, re-construction, operation or maintenance of the water and/or sewer system within the access/water/sewer easement that are not typical and customary in publicly maintained streets.
- Waiver and release of liability is provided to Utilities against claims for damages that result from the design, construction, re-construction, operation, or maintenance of the proposed water and/or sewer system in the access/water/sewer easement and any overlying or adjacent travel surfaces, paved or unpaved, or any other features within the easement including damage that may occur from heavy equipment used to construct, re-construct, operate or maintain the water and sewer system;
- Utilities will not be financially responsible for the removal or relocation of the water or sewer mains, services, or appurtenances as may be needed for future changes in land use, roadway construction (including changes in horizontal and/or vertical alignment), regrading the access/water/sewer easement or adjacent lands, or other activity that may conflict with Utilities' continued rights to re-construct, operate and maintain said water or sewer facilities.
- No other utilities, piping or cables, underground or overhead, public or private, will be permitted within the access/water/sewer easement except with prior, written approval by Utilities.
- Public water and sewer facilities constructed within an access/water/sewer easement are owned by the City of Charlotte and subject to the same ordinances, regulations, and policies as other water and sewer facilities.
- The access/water/sewer easement will be in form and substance acceptable to Utilities and shall contain such provisions as Utilities determines are reasonably necessary or convenient to provide for the implementation of this Policy.
- The property subject to the access/water/sewer easement must be the primary vehicular access for all property subject to the easement, provided that this requirement can be waived by Utilities for a parcel that has alternative access but provides necessary access to one or more other parcels.

Water or sewer service will not be extended to property located beyond Mecklenburg County without the express approval of the Director of Utilities. Utilities is under no obligation to provide water or sewer service to property located outside Mecklenburg County, except as expressly approved by the Director. Utilities may refuse to extend services to property located outside Mecklenburg County or may choose to provide water or sewer services to such property under such terms and conditions as may be approved by the Director of Utilities.

### **C. EXTENSION OF SERVICE REQUIRED BY ANNEXATION**

All cities or towns must meet certain service requirements for newly annexed areas as prescribed by state law. Since Utilities is a part of Charlotte city government, Charlotte is required to extend major water and sewer facilities to involuntarily annexed areas so that involuntarily annexed property owners

can secure water and sewer service as required by applicable law.

The major lines extended as part of involuntary annexation provide water lines for basic fire protection and installation of interceptor, trunk sewer mains, or common force mains required to extend sewer service to each publicly maintained (at the effective date of the involuntary annexation) street for sewer lines. Street main extensions are not provided under this Policy as part of involuntary annexation except as expressly required by law. In addition, water or sewer facilities will not be extended upon involuntary annexation to serve all or any portion of a residential subdivision subject to covenants, conditions, or other restrictions recorded in the Mecklenburg County Public Registry to the effect that sewer service in such subdivision is to be provided exclusively by means (including, but not limited to, septic tank systems) other than sewer service from a governmental authority (including Utilities) or public utility.

## **D. PROGRAMS FOR EXTENSION OF SERVICE**

### **1. General Provisions**

Upon completion and final acceptance by Utilities of all facilities constructed under this Policy, such facilities will become the property of the City of Charlotte ("City") and the City will be responsible for their operation and maintenance.

Utilities funds shall not be used for construction of any Facility which does not offer the reasonable expectation of being feasible unless such Facility is required to fulfill statutory requirements or to maintain service to existing customers. Feasibility is determined based on the following: the construction of the Facility is expected to generate revenue; service level Improvement; and/or environmental benefits which are in a favorable proportion to the total cost of the project.

All construction of water and sewer facilities must be performed by utility contractors properly licensed in North Carolina and approved by Utilities

All contracts for extension of mains are subject to approval by Charlotte City Council or by the Charlotte City Manager or his designee where allowed by law. All extensions are subject to review approval, and regulation by local, state and/or federal agencies as required by law.

The size, depth, and location of the mains extended will be determined or approved by Utilities based on prevailing industry standards and normal service requirements. In the event facilities designed in this manner will not satisfy the applicant's needs the applicant may withdraw the application. If the application is withdrawn, the applicant forfeits costs incurred by Utilities up to the date of withdrawal..

This Policy is intended to provide sewer mains that are capable of serving the ground floor of most buildings when the ground floor is approximately at street level and where the distance from the structure to the street, topography, other utilities, structures, natural features or other conditions does not make gravity service unfeasible. Utilities does not guarantee that any customer, and particularly customers who have basements or buildings substantially lower than the street, can be served without pumping by the property owner.

This Policy is intended to provide that the water pumping and distribution system be designed and operated to provide flow rates and pressures that meet standard fire protection requirements at the time the water mains are designed and constructed for existing land uses and construction methods. In the event that higher flow rates or pressures are required due to changes in land use, differing construction types, changes in fire code requirements, or other circumstances, Utilities will endeavor to work with the customer to satisfy the new requirements. While each case will be evaluated on its individual merits and public benefits, it may become necessary for the customer to bear some or all of the costs incurred to satisfy the higher level of service.

This Policy is intended to provide for the construction of water and sewer mains sized to provide long term service as described in the CIP. If an extension is requested which conflicts with or is in the same location as a project identified in the CIP or needs assessment, Utilities shall decide whether to extend the facility as described in the CIP/Needs Assessment or a smaller or temporary main. The decision shall be made with the following considerations:

- Funding availability from other sources
- Impact of expenditure on appropriated funds for this program
- Physical space and/or constraints of installation
- Quality of service
- Time required to provide requested service
- Other considerations unique to the circumstances

Installed facilities that are smaller than those identified in the CIP or the Needs Assessment or that are smaller than required for long term service shall be funded solely by the applicant with no opportunity or consideration for reimbursement from Utilities. However, in all cases, Utilities retains the discretion to require appropriately sized mains be extended to serve the area. Except as otherwise expressly authorized by this Policy, this Policy shall not be construed to authorize refunding the additional cost of mains larger than those needed for the applicant's site.

The applicant must complete an application for service and pay all applicable charges at the time an extension of the system is requested except when the extension is being made exclusively under the provisions of a Reimbursable Program or is being donated to Utilities. An applicant for an extension may not cancel an application for service or extension request once the applicable fees have been paid. Neither connection fees, capacity charges, nor the applicant's share of 50/50 extensions are refundable.

## **2. Reimbursable Programs**

Capital facilities which are normally provided by Utilities (described in section II) but are not in place may be financed by a customer in order to expedite the construction of such facilities. Upon completion and final acceptance of the Facility, the customer will be reimbursed for eligible costs of the project according to the procedures and schedules described below.

If a customer wishes to expedite a project which is included in the Charlotte City Council approved CIP, a 5-Year Reimbursement Program is available. If a customer wishes to expedite construction of facilities which are not included in the CIP but which would normally be provided by Utilities, a 15-Year Reimbursement Program is available. To utilize either of these programs, the customer is required to enter into a contract with the City of Charlotte. This contract provides that Utilities will design, either with staff or by consultant, the requested Facility, acquire any necessary rights of way and permits and construct the facility either with City staff or through public bids in accordance with North Carolina General Statutes. The customer is required to pay a deposit at the time he or she executes the contract. The deposit amount should be sufficient to pay the cost of design and right of way acquisition and shall be established by Utilities. When the construction cost is determined, either from public bids or from Utilities work order, the customer is required to make available to Utilities the balance of funds to construct the project. The customer may make cash payment to Utilities or utilize an approved letter of credit (See section VI).

Under the 5-Year Reimbursement Program, the contracting customer is reimbursed all of the eligible funds he has deposited for the project. The amount reimbursed will not include any interest, carrying charges, financing costs, or other funds other than the actual face value amounts deposited by the customer. The customer will receive 20% of the eligible deposited amount in each of five annual payments. The first annual payment will be made one year from the date Utilities accepts the total project as complete and available for activation.

The customer will be required to pay any acreage fees which are applicable, including those resulting from his project. Acreage fees are not eligible for reimbursement.

Under the 15-Year Reimbursement Program the contracting customer is not guaranteed total reimbursement of eligible deposited funds. The reimbursement payments are made annually beginning one year from the date Utilities activates the total project. The Utilities activation date begins the 15 year reimbursement period. The amount of each annual reimbursement payment will be the sum of collected acreage fees attributable to the project and 35% of sewer or water user fees which result directly from the project and are collected that year. The acreage fee is equal to the total actual cost of the project divided by the area which Utilities expressly designates at the time the contract is established to be ultimately tributary to the line. Acreage fees are applicable only to wastewater facilities. See section VII-B of this document for information on application of acreage fees to wastewater lift stations.

User fees are the periodic charges to customers for actual service received. User fees do not include connection charges or other one-time charges which are made in order to establish service. Reimbursable user fees on water mains will be based only on customers who have service connections directly off the main extended under the 15-Year reimbursement program and customers on donated mains which connect to that main. If the reimbursable main is extended through any method other than donation, user fees from the new extension will not be reimbursed to the original customer. If donated mains connect a reimbursable water main to an existing main, Utilities will determine the area on which to base user fee reimbursement based on an engineering judgment of the water flow direction under normal circumstances. Reimbursable user fees on sewer mains will be based on service connections directly to the reimbursable main and on service connections on donated sewer mains which connect to that main. If the reimbursable main is extended through any method other than donation, user fees from the new extension will not be reimbursed to the original customer. Annual payments to the customer will continue for 15 years or until the actual eligible face value amount deposited by the customer has been repaid, whichever occurs first.

### **3. Street Main Extension Program**

This Street Main Extension Program ("Street Main Extension") provides for Utilities funded extension of water and sewer mains to serve existing single family residential dwellings or existing vacant lots which are zoned for single family residential construction and that are not regulated through the subdivision development process. Application of the Street Main Extension is subject to availability of funds and other qualifications described below. Applications are accepted and projects initiated on a first come, first served basis.

This Street Main Extension is only available to renters or owners of qualifying residential dwellings or vacant lots. It is not available to child-care facilities, retail establishments, medical buildings, churches, non-profit organizations, other governmental units, commercial buildings, industrial facilities, or any new construction or new development which is not single family residential in nature.

The Street Main Extension is not intended to be used to change the manner whereby an existing customer receives water or sewer service.

Extensions under this Street Main Extension must average at least one applicant per 1000 feet of main.

To ensure fair and equitable use of available funds, Utilities may, at its discretion, limit projects to a maximum of 1000 feet. An applicant can apply for water and sewer extensions simultaneously provided that funds are available and all requirements are satisfied for each extension.

In the event the applicant is determined to require an extension greater than 1000', the portion

of the main in excess of the 1000' maximum can be offered under the 50/50 program provided that funds are available in that program and that the applicant meets all requirements of both programs at the time application is made, including the applicants share of the 50/50 cost.

Extensions of mains greater than 1000' for documented public health hazards can be made in combination with this program; for example, this program can be combined with the health hazard program to increase the distance a main is extended to 2000'. The first 1000' will be funded under the Health Hazard Elimination program. See section IV-E.

This program is applicable to low-pressure sewer systems only in zones designated by Utilities to be served in this manner where such systems are previously established.

This program may be combined with 5-year or 15-year reimbursable programs or other extension programs provided that the applicant satisfies all requirements for such programs at the time of application. This option requires the same applicant to apply for both programs simultaneously.

In the event that the funds appropriated for any fiscal year are not adequate to satisfy the requests received by Utilities, City Council may, at its discretion, appropriate additional funds to this program. If adequate funds are not available when an application is made for an extension, the customer will be offered any other available, funded, programs for which the required extension will qualify. If no other programs are available, or if the customer declines to use another program, the customer will be required to reapply when/if additional funds are appropriated.

Funds from this program can be used for planning, design, inspection, construction, and any other necessary expense directly related to the administration and implementation of this program.

If an extension requested under this program is of such a short length that mobilization costs are excessively high and/or the termination of the requested extension is not at an advantageous location, Utilities may at its discretion, continue the extension beyond the distance requested by the applicant. Funding will be from this program.

Procedures for initiating and utilizing this program are described in section G below.

#### **4. 50/50 Extension Program**

This program provides for shared funding of water and sewer street main extensions. Under this program, Utilities will fund 50% of the cost of eligible extensions when one or more customers provide the other 50%. Application of this program is subject to availability of funds and other qualifications described below.

The basis for determining the project cost will be the average cost per foot actually incurred during the previous fiscal year for similarly-sized projects.

An applicant can apply for water and sewer extensions simultaneously provided that funds are available and all requirements are met for each extension.

This program is applicable to low-pressure sewer systems only in zones designated by Utilities to be served in this manner where such systems are herein established.

This program may be combined with 5-year or 15-year reimbursable programs or other extension programs provided that the applicant satisfies all requirements for such programs at the time of application.

This program is available for the extension of mains requested by applicants which do not

qualify under the provisions of the street main extension program or when funds are not available in that program. The applicant is responsible for determining whether other property owners who could utilize the extension will participate in funding the applicant share. Utilities will not consider the application complete until funds sufficient to cover 50% of the estimated cost are received.

Procedures for initiating and utilizing this program are described in Section G below.

**5. Extension Program to Eliminate Public Health Hazards**

This program provides for Utilities funding of water and sewer street main extensions for the purpose of providing access to public utilities when the system in place has failed and is resulting in a public safety, environmental or health risk to the occupant and/or the general public.

The applicant will be required to pay applicable connection fees and capacity charges at the time the extension request is made.

The maximum length for extension of mains under this program is 1000 feet.

To ensure fair and equitable use of available funds, subsequent applications for extension of uncompleted mains which will result in a project greater than 1000' funded under this program will not be accepted until the originally requested main is available for use. An applicant can apply for water and sewer extensions simultaneously provided that funds are available and all requirements are met for each extension.

This program is applicable to low-pressure sewer systems only in zones designated by Utilities to be served in this manner where such systems are previously established.

This program may be combined with 5-year or 15-year reimbursable programs or other extension programs provided that the applicant satisfies all requirements for such programs at the time of application and pays all applicable fees.

This program is only available to existing residential dwellings.

The applicant must furnish evidence from County Health officials that a health hazard exists in order to qualify for this program. Failure of mechanical equipment does not constitute a health hazard. Dry wells or unused septic tanks do not constitute a health hazard. This program cannot be used for new construction or when a mobile home or other structure is moved onto a new site. Homes which are not occupied or are not eligible for a certificate of occupancy for any reason other than lack of sanitary sewer service are not eligible for this program. Utilities shall have the authority to determine if the intent of this paragraph is met.

Revenues from user charges can be used to finance bond programs or to fund this program directly. Charlotte City Council shall establish the funding level of this program annually with approval of the Capital Improvement Program and/or operating budget.

Procedures for initiating and utilizing this program are described in Section G below.

**6. Applicant Funded Non-Reimbursable Extension Program**

This program allows the applicant to fund 100% of the cost of water or sewer extensions which are to be constructed by Utilities forces or by contracts administered by Utilities. This program is applicable to extensions which do not qualify for any other extension programs under this Policy, if an applicant chooses this program in lieu of another, or in the event funds are not available from Utilities for other programs.

This program is applicable to low-pressure sewer systems only in zones designated by Utilities



to be served in this manner.

Each applicant is required to pay connection and capacity charges in addition to the applicants cost of the extension.

Procedures for initiating and utilizing this program are described in section G below.

**7. Extension of Facilities by other Public Agencies**

Any extensions requested by other City departments or by other governmental units within the Utilities service area may be (but are not required to be) processed within the same guidelines as though an individual customer had applied. Previously approved agreements with Mecklenburg County, Davidson, Cornelius, Huntersville, Pineville, Matthews, and Mint Hill created other financing options which these governments may utilize.

**8. Extension of Service For New Development**

Utilities will not participate in the cost of street main extensions which are required strictly for subdivision of land. All such projects will be financed wholly by the developer of the land. Utilities will agree by contract to own and maintain water distribution and wastewater collection systems if these systems are designed and constructed in accordance with prevailing Utilities standards and specifications and if the existing Utilities system has adequate capacity to sustain the new development. Such contract agreements must be obtained prior to construction of the system.

Utilities has the sole discretion in approving main sizes to meet development and system needs. When larger mains are required for system needs, no portion of the additional cost is eligible for reimbursement from Utilities except for extensions constructed under the 5-Year and 15-Year Reimbursable programs.

Capacity charges are required for each service installed.

Under no circumstances shall construction begin prior to approval of the contract, issuance of all required permits, and proper notification of Utilities. Notification requirements are detailed in the contract.

If the new development contains drainage patterns that will need to be utilized to provide sanitary sewer service to existing streets, roads, or other property, Utilities will require that the owner of the property being developed record permanent rights of ways for such facilities.

**E. SERVICE CONNECTIONS**

**1. General Provisions**

All customers desiring water or sewer service are required to make formal application for each service and to pay all applicable fees and/or charges at the time application is made.

Water services larger than 1-inch cannot be installed without payment of a meter deposit and an application to Utilities designating the party who is financially responsible for water used from that service.

A 3/4" or 1" water service connection consists of the connection to a public water main of a service line, a meter box, and stubbed connection point for the applicant's private plumber to connect to. Larger water service connections consist of the connection to a public water main of a service line, a meter box or vault, piping to the property line, and a valve at the property line.

In-ground irrigation systems installed after July 1, 2009, are required by state statute to be separately metered. Utilities offers customers two options for metering residential irrigation systems.

Separate service option – A new, separate service is installed consisting of the connection to a public water main of a service line, a meter box, and stubbed connection point where the applicant's private plumber or irrigation contractor may connect. An approved backflow prevention device must be installed by the customer on the customer's side of the irrigation meter.

Split service option – A new service line is connected from the existing service line on the Utilities' side of the water meter. The new service line will be connected to a separate, dedicated irrigation meter and stubbed connection point where the customer's private plumber or irrigation contractor may connect. An approved backflow prevention device must be installed by the customer on the customer's side of the irrigation meter.

Utilities does not guarantee minimum water pressure or flow rates will be available to operate irrigation and/or plumbing fixtures. The customer should carefully consider the impacts that a split service option may have on available water pressure and flow rates.

A sewer service (or lateral) connection consists of the connection to a public sewer main or manhole of a service line which is extended to the street right of way line or to the sewer right of way line if the public sewer main is not at the street. The applicant is responsible for the cost of connecting their private plumbing system at that point.

All water and sewer service connections shall be constructed in accordance with the Code of Ordinances of the City of Charlotte and with all applicable building and plumbing codes.

Sanitary sewer service connections will be installed at a depth that is practical and alleviates the need for extensive or unusual construction or safety methods. Utilities does not guarantee that the depth of all sewer service connections will allow gravity flow connections. If pumping is required, the pumping equipment and installation is the responsibility of the customer and must be completed in accordance with all applicable regulations and ordinances.

Commercial, industrial, fire line, or irrigation services will be subject to requirements of the City and Utilities including industrial waste and/or backflow provisions.

## **2. Fees/Charges**

Customers applying for a new water or sewer service or extension are subject to one or more of the charges shown below.

- a. **Connection Charge** - This charge is based on the average actual cost incurred by Utilities to construct similar size service connections during the previous fiscal year.
- b. **Capacity Charge** - This charge is to recover from new customers a portion of the incremental cost of providing capacity in the treatment facilities, transmission mains, major outfalls and sewer trunks which have been constructed to allow for new development and expansion of the system. This charge is calculated each year based on the actual book value for these facilities as shown in the City's General Ledger and the system treatment capacity reflected in that value. Dividing the book value by the system treatment capacity yields a system cost per gallon per day. This cost per gallon is multiplied by the average daily consumption of residential customers to obtain the capacity charge for water and sewer separately for customers with 3/4" water services. This charge is then multiplied by the relative capacity of other meter sizes to determine the capacity charge for other size meters. The sewer charge is also based on the relative capacity of the water meter. Wastewater only customers will pay a capacity charge based on the capacity of their private water supply, except that all single family, residential wastewater only customers will pay the same capacity charge as a 3/4" meter customer. Capacity charges apply to separate irrigation meters and to split service irrigation meters and are calculated using methodology similar to that for residential water service connections.

- c. Meter deposit - This is a security deposit which varies according to both water meter size and the nature of the customer (i.e; restaurant, warehouse, etc.). Meter deposits are not required of single family residential customers.
- d. Discounts available - If a customer applies for water or sewer service in conjunction with a water or sewer extension and the service can be installed on the extension as it is constructed then the connection fee will be discounted 10%. No discount or reductions apply to capacity charges. Utilities will establish a time period prior to the beginning of construction during which other eligible customers may receive the 10% connection fee discount.
- e. Acreage fees - Acreage fees are not charged to an individual applying for service to a single, single-family residential dwelling on a lot of 1 acre or less.

Any other type of applicant will be required to pay any acreage fees if they are applicable to their site. Utilities will determine and advise the applicant of the liability for acreage fees and such fees will be paid prior to the work being undertaken. Utilities will not pay acreage fees for any extensions which are made with Utilities funds, nor will acreage fees be assessed for costs of extensions funded solely with Utilities funds.

- f. Sewer deposit - A sewer deposit is required when application is made for sewer only service; i.e., the applicant receives water service from a private well, community water system, or source other than Utilities. This is a security deposit similar to the meter deposit required for water service. Sewer deposits are not required of single family residential customers.

The following chart defines when each of the different charges is applicable:

TYPE SERVICE	CONNECTION FEE	CAPACITY FEE	DEPOSIT*
New service not installed as part of donated system	Yes Paid at time of application	Yes Paid at time of application	Yes Paid at time of application
New service installed by developer as part of donated system	No	Yes	Yes
Replacement service of same size	Yes Paid at time of application	No	No
Replacement service of larger size	Yes Paid at time of application	Partial - difference between sizes paid with application	Yes
Replacement service of smaller size	Yes Paid at time of application	No No refund of previous charges	No
Fire Line	Yes Paid at time of application	Yes Paid at time of application	Yes
Irrigation Service	Yes Paid at time of application	Yes Paid at time of application	Yes
Partial tap completion ("Paving tap")	Partial based on estimated cost to complete the tap	Yes Paid at time of application	Yes
Fire Hydrant Meter	No	No	Yes

\* Note: Deposits do not apply to residential customers

**F. LETTER OF CREDIT FOR REIMBURSABLE PROGRAM FINANCING**

Customers who are utilizing reimbursable programs to expedite projects may use Letters of Credit as a financing method in lieu of cash payment to Utilities. This method can only be used for projects estimated to cost \$100,000 or more. The customer may elect to render to the City a non-recourse, commercial letter of credit from a bank insured by the Federal Deposit Insurance Corporation and having full-service banking facilities in Mecklenburg County in lieu of advancing other funds sufficient to pay for the entire project. Said letter of credit shall unequivocally guarantee payment by said bank to the City at such times and in such amounts as the City shall determine is reasonably necessary or convenient to have the necessary funds on hand for retainage and payments to any contractor awarded the contract to construct the extension requested by the Customer. If such an alternative is selected by the Customer, the following conditions shall apply:

1. This financing alternative must be selected, including the designation of the bank to be used, at the time a Customer requests a contract with the City for an extension.
2. A form provided by City must be used as the letter of credit, with a schedule of payment incorporated therein which is approved by the Director of Utilities. If the Customer proposes to use any variation of the form, the Customer will be required to pay the City's reasonable attorney fees in retaining experienced private counsel to review and advise the City and Utilities on the terms of the proposed letter of credit, and any related documents, and to recommend such changes, alterations or additions thereto as may be in the best interests of the City and Utilities. The City shall have the sole discretion in the selection of said counsel. The Customer shall be required to advance the estimate of such fees, as determined by the City, at the time this financing alternative is selected. Any excess funds advanced by the Customer for attorney fees shall be refunded. If the estimate of attorney fees is insufficient, the Customer shall advance the additional amount required prior to approval by the City of the extension contract. The form and contents of a Customer-proposed letter of credit and any related documents shall be approved by the City Council and shall contain such provisions as the City Council shall determine to be necessary to protect the interests of the City and Utilities. Said proposed letter of credit shall also incorporate a schedule of payment approved by the Director of Utilities. If the Customer does not accept any changes required by the City Council and if the attached form is not acceptable to the Customer, the financing alternative set forth in this sub-section shall no longer apply.
3. The City Manager is authorized to approve changes to the form letter of credit and to the estimated cost of projects qualifying for this alternative financing plan.
4. The Finance Director may refuse to accept a letter of credit from any bank: that has refused or failed for any reason to honor a draft on any letter of credit issued to the City; or if the Finance Director determines in his/her sole and absolute discretion that it is not in the City's best interests to accept a letter of credit from such bank for any reason. By seeking to use this alternative financing plan, a customer and any bank issuing or proposing to issue a letter of credit hereunder agree and acknowledge that: acceptance of a letter of credit is within the City's sole and absolute discretion; no customer is entitled in any manner to use this alternative financing plan as a matter of right; and neither the City nor any employee, officer or agent thereof shall be liable for any damage, loss, injury or claim of any kind whatsoever arising out of the City's failure or refusal to accept an issued or proposed letter of credit, regardless of the circumstances under which such failure or refusal occurs.

## **G. INITIATION/UTILIZATION OF EXTENSION PROGRAMS**

A customer seeking to obtain water and/or sewer service must follow the procedure outlined below.

1. Request water and/or sewer service from Utilities . The request should identify the specific property to be served, the type of service requested (i.e., single or multi-family residential, irrigation, commercial, institutional, industrial, etc.), and any special capacity requirements or other specialized needs .
2. If necessary, Utilities will study the availability of the service requested and will respond to the customer with information about costs, schedule, or other issues within a reasonable period of time.
3. The Customer formally initiates application for service by paying applicable extension costs and/or connection and capacity charges.
4. Utilities shall complete design and construction including acquisition of permits, encroachments, and/or rights of way. The expected time for completion of extensions of minor (less than 1000' of 8" or smaller) mains along existing streets is less than 180 days from the receipt of the customer's complete payment. It is recognized, however, that there may be instances when, due to workload or inability to obtain permits, encroachments, or rights of way, or other reasons additional time may be required. In no event is a projected schedule binding upon Utilities or the City of Charlotte.

The projected schedule for completion of larger extensions will be determined prior to undertaking the extension. The projected schedule is established as a goal and is not binding upon Utilities or the City of Charlotte.

## **H. WASTEWATER LIFT STATIONS**

It is Utilities' policy to minimize the need for wastewater lift stations and to limit their construction within the system. The basis for this policy is that lift stations can cause disproportionate expense to provide service to a limited customer base and that failure of lift stations poses significant environmental risks.

It is recognized, however, that there are situations where lift stations are a feasible solution for providing service. Utilities will consider on a case by case basis requests to accept new lift stations in the situations described below.

1. The lift station can be eliminated by a project or combination of projects, all of which are included for funding in the approved 5-Year CIP.
2. The lift station can be eliminated by a project being done under a reimbursable program and the funds have actually previously been made available to Utilities for construction.
3. The new development is in an area designated by Utilities for service by low pressure sewer systems and the proposed lift station size and location is in accordance with the "Lake Area Sewer Study (1990)" plan.
4. The proposed lift station is at an appropriate location and has adequate capacity or expansion capacity to serve as a permanent or long term facility and gravity service is cost prohibitive or not possible due to other circumstances. Approved locations typically require the ability to serve multiple parcels of land and are not single site lift stations.

5. The construction of the proposed lift station would include elimination of one or more existing lift stations or treatment plants.
6. The construction of the proposed lift station would facilitate significant progress toward achievement of land use goals and strategies described by current, officially approved planning documents and no other reasonable options are available for service.

In all cases, the receiving system must have available transportation and treatment capacity to carry the proposed lift station discharge. Any upgrades required will be the responsibilities of the applicant requesting the lift station.

Construction of a wastewater lift station may require the customer to pay acreage fees. Acreage fees will be charged for the actual basin in which the lift station is located and for the basin which receives the discharged flow from the lift station. In either case, acreage fees are applicable only when sewer mains downstream of the lift station or its discharge point have been constructed through a reimbursable program and the contract has not been paid in full. Acreage fees will be charged to an applicant constructing a lift station when sewer mains further downstream within the same basin as the lift station are not actually receiving the applicant's flow but would be if the applicant would have constructed an extension of these mains instead of constructing the lift station.

## **I. OTHER CONSIDERATIONS**

### **1. Acquisition of Other Systems**

Utilities will, as the opportunity arises, consider the acquisition of other water/sewer systems which can be incorporated into the Utilities system.

### **2. No Guarantee of Level of Service**

Utilities does not warrant nor guarantee that the capacity, volume, pressure, or quantity of service provided will be adequate to meet the needs of any customer other than typical single family residential service. The customer is responsible for judging the adequacy of service for their intents and purposes prior to applying for service from Utilities.

The current level of service provided in any part of the water or sewer system which may be above that required to provide normal, domestic service is not guaranteed for any time in the future.

Utilities accepts customers on a first come, first served basis. Completion of studies or cost estimates for provision of service do not constitute any obligation or intent of Utilities to reserve capacity. The applicant's request for or receipt of such studies does not guarantee the applicant's ability to secure water or sewer service.

### **3. Financial Assistance**

a. The financial assistance program as approved by the City Council as part of this Policy and in effect on January 1, 2010 shall remain in effect until and unless revised by Utilities as authorized in subsection (b) of this section.

b. Utilities is authorized to revise the financial assistance program from time to time and to administer said program for qualified property owners to assist with the cost of connecting to the system. Utilities shall give notice of a revision to said program to the City Council and to the Utilities Advisory Committee at least 10 days in advance of the effective date of such revision. Further approval by the City Council or the Committee is not required for such revisions to take effect. Without limiting the foregoing, Utilities shall have the right to establish and modify the qualifying criteria for

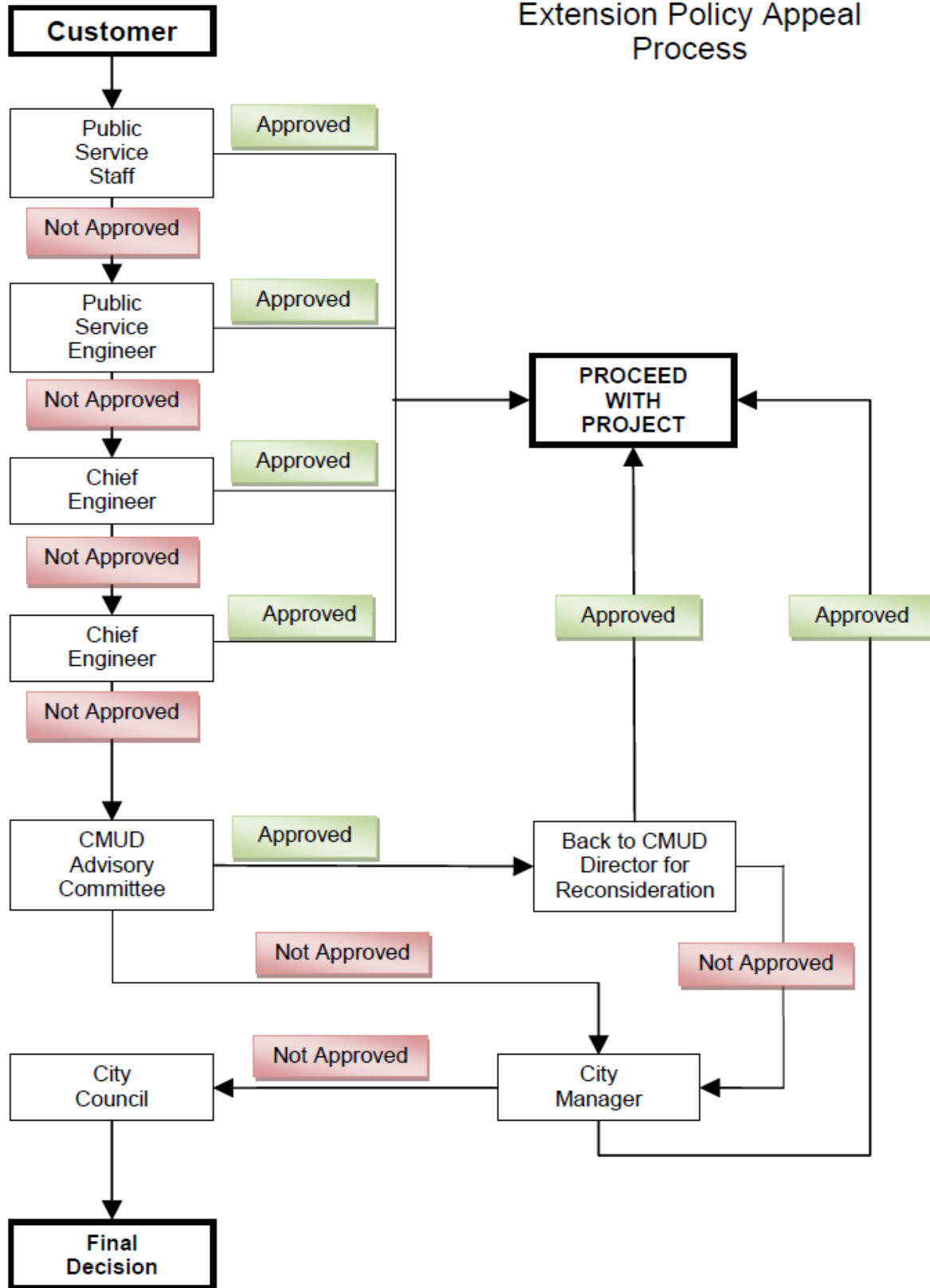
any applicable financial assistance. Property owners qualifying for financial assistance are not guaranteed assistance. A copy of the financial assistance program shall be maintained and made available for public inspection and copying in the office of the Director of Utilities and in the office of the City Clerk for the City of Charlotte.

**4. Process for Appeal**

This policy has been approved by the Utilities Advisory Committee and adopted by the Charlotte City Council for implementation by Utilities and the City Manager. It is City Council's intent that Utilities apply the provisions of this policy equitably to all customers and potential customers. It is recognized that there may be situations where disagreements may develop concerning equitable treatment. In those cases, the customer may pursue the appeal process outlined on the attached chart. The burden is on the customer to demonstrate inequitable application of this Policy.



# Charlotte Mecklenburg Utilities Extension Policy Appeal Process



## J. DEFINITIONS

**Access/water/sewer easement** - A permanent easement signed by the owners of all property subject to such easement that provides for: continuous and unrestricted, public vehicular and pedestrian access to the properties subject to said easement; and the construction, re-construction, operation, maintenance and repair of one or more water and/or sewer lines and associated facilities.

**Acreage fee** - An amount calculated by dividing the total cost of a wastewater project by the number of acres of property which the project has the potential to serve. The number of acres includes all property upstream of the facility and/or which is planned to be pumped to a location where it will be tributary to the project. Acreage fees are only calculated for projects which are completed under a reimbursable program.

**Activation** - Placing into service a new water or sewer main or other facility. Activation may precede final acceptance.

**Backflow** - The flow of any substance from a customer's property back into the water distribution system. Backflow can result from improper connection of pressurized equipment to the plumbing system or from accidental pressure drops in the public water system which can be caused by pipe breaks or other equipment failure. Backflow of contaminated water into the public system can create a hazardous situation to other customers.

**Capital Improvements Program** - A budget plan for provision of infrastructure and other capital needs for the community. This plan is compiled annually and adopted by Charlotte City Council.

**CIP** - Acronym for Capital Improvements Program.

**Utilities forces** - Employees of the Charlotte-Mecklenburg Utility Department.

**Common force main** - In a low pressure sewer system, a pressurized sewer pipe provided for individual customers to connect the discharge lines from their privately owned grinder pumps.

**Developer** - An individual, firm, or corporation which is improving property or is causing property to be improved by the provision of streets, buildings, or other infrastructure or by the assembly or subdivision of property.

**Domestic service** - Provision of potable water for the purposes of consumption and hygiene for an individual or family and the collection of wastewater generated from these uses.

**Drainage pattern** - A ditch, creek, berm, depression or other feature along which water, if present, would accumulate and flow naturally downhill.

**Eligible costs** - In the context of the reimbursable program for extensions, this is the total actual cost of the portions of the project which qualify for reimbursement.

**Encroachment** - Agreement with the NC DOT or railroad to place water or sewer facilities within their right of way.

**Extension** - A new or proposed water or sewer main.

**Final acceptance** - Documented agreement between Utilities and the contractor or developer of a project that the work is satisfactorily completed and that there are no outstanding claims or deficiencies. Completion of the project may also involve submittal of maps, affidavits, tax statements, or other documents that are required by contractual agreement.

**Fire line** - A water service requested and installed for the purpose of providing enhanced fire protection to an individual property.

**Fire Protection** - Provision of adequately sized water mains, water volumes, and fire hydrants at suitable intervals to allow use by fire departments in fighting fires. The level of protection varies with land use and development type.

**Gravity sewer system** - The normal type of wastewater collection system that relies on the natural, downhill flow of wastewater through pipes constructed along drainage patterns and creeks to a wastewater treatment facility.

**Industrial waste** - Non-domestic liquid wastes, including but not limited to, process or operational wastewater, groundwater remediation discharges, contaminated storm water or surface water remediation discharges, and any other non-domestic liquid waste from industrial or commercial establishments.

**Interceptor** - A larger sewer pipe usually constructed along a major creek which collects wastewater flow discharged from trunk mains. Interceptors are sometimes also referred to as "outfalls".

**Irrigation service** - A water service requested and installed for the purpose of irrigating lawns or property. Water provided through such a service does not return to the wastewater collection system.

**Lake Area Sewer Study (1990)** - A study completed by an Engineering consultant under contract with Utilities which establishes a plan for provision of wastewater collection from property which naturally drains toward one of the major lakes in the Utilities service area. This study was completed in 1990.

**Licensed utility contractor** - An individual, firm, or corporation which is licensed by the North Carolina Licensing Board for General Contractors to perform public utility and/or unclassified construction projects which have a contract value not exceeding their license limitation.

**Low pressure sewer system** - A type of wastewater collection system which utilizes individual pumping by each property owner into a common force main. This type of system is utilized along waterfront property where natural drainage patterns have been disrupted by the creation of a large lake.

**Needs Assessment** - A planning document formally prepared by each City department every two years which identifies infrastructure and capital needs of the community which are projected for the upcoming 10 year period.

**New construction or development** - The establishment or substantial improvement of streets, buildings, useable property, or infrastructure where such facilities did not exist or were not suitable for the newly intended purposes.

**Permits** - Documentation of permission by Federal, State, and/or local agencies which have regulatory jurisdiction over the construction and operation of water and/or wastewater utilities to expand or modify the public water and/or sewer system.

**Public water and/or sewer system** - The water and/or sewer pipes, storage facilities, pumping stations, lift stations, treatment facilities and appurtenances that are owned by the City of Charlotte and operated and maintained by Utilities.

**Residential dwelling** - A room or combination of rooms designed for year-round habitation,

containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.

**Right of Way** - A non-possessory interest in the land of another for the purpose of constructing, reconstructing, operating and maintaining water and/or sewer facilities.

**Street main** - A water or sewer pipe installed along a street, road, or highway primarily for the purpose of providing water or sewer service to the property along that street

**Subdivision** - All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, or building development of any type.

**Temporary construction easement** – A temporary right in a specific tract of land for which Utilities has entered into an agreement with the owner that grants Utilities the right to use the land for a limited period of time in order to provide space needed to construct water and sewer facilities.

**Total cost of project** - The total cost of completing a project including planning, design, surveying, drafting, inspection, administration, acquisition of rights of ways, legal services, environmental studies, permits, construction and all other costs necessarily incurred between project initiation and final acceptance.

**Transmission main** - A water pipe constructed primarily for the movement of water from one area to another. Transmission mains are usually, but not always, 12" or greater in diameter. Transmission mains usually supply water to smaller street mains.

**Treatment facility** - A plant designed and constructed for the purpose of removing pollutants and/or other impurities from wastewater or from raw water.

**Tributary** - A stream or pipe which flows by gravity or is pumped into another stream or pipe.

**Trunk main** - A sewer pipe constructed along a drainage pattern or minor creek to collect flows discharged from sewer street mains.

**User fee** - Charges which are collected for normal provision of water and/or sewer service. User fees do not include onetime charges such as connection or capacity charges, nor late fees, turn on/off fees or other similar charges.

**Utilities** – Charlotte-Mecklenburg Utilities. Where action is required or contemplated by Utilities in this Policy, *Utilities* shall refer to the Director or his designee.

## APPENDIX F

### NOTICE OF POTENTIAL RIGHTS TO OWNERS OF AGRICULTURAL LAND, HORTICULTURAL LAND AND FORESTLAND IN THE AREA

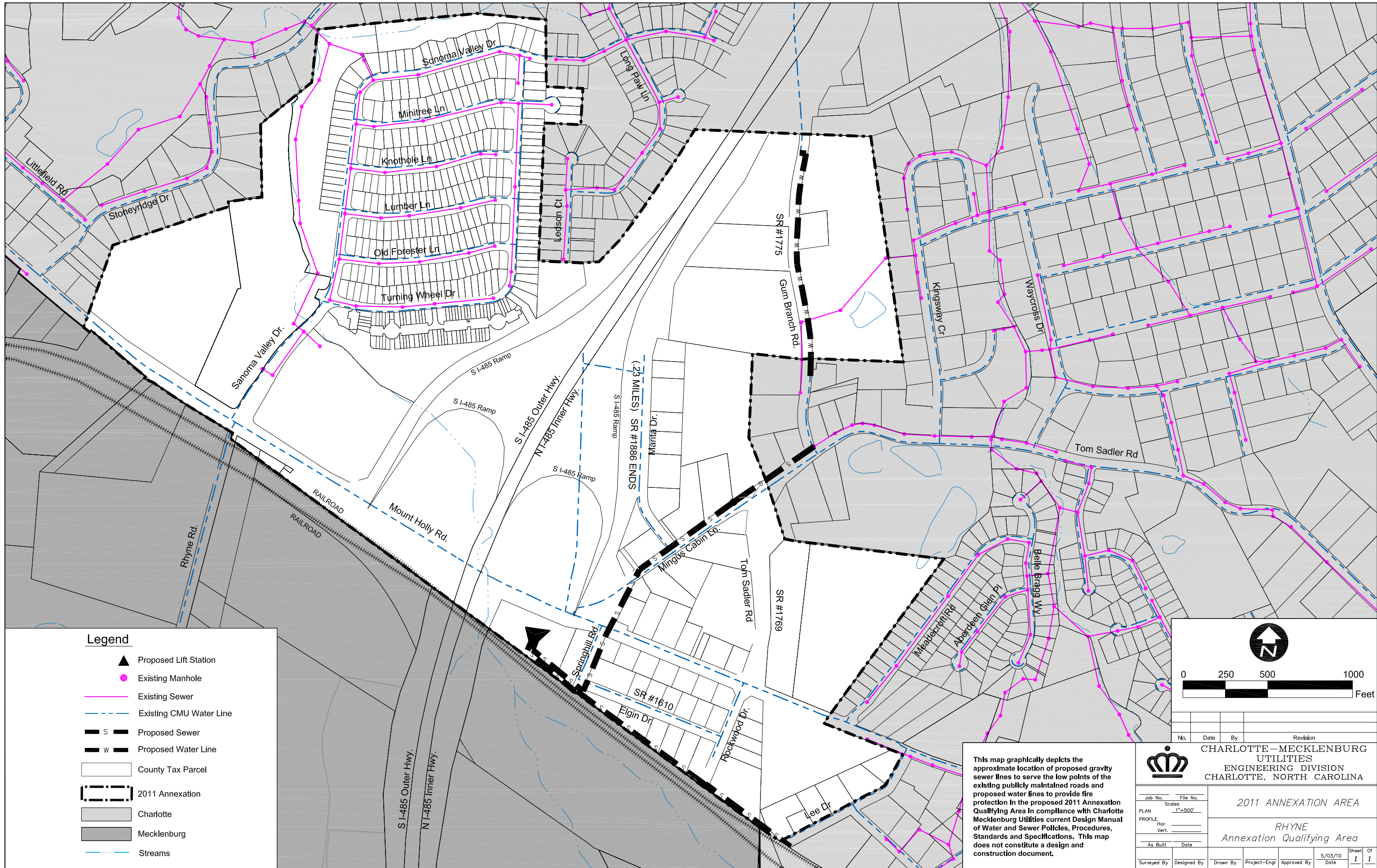
Owners of agricultural land, horticultural land and forestland in the area proposed for annexation may have rights to a delay in many of the effects on such land of the proposed annexation of the area.

G.S. 160A-49(f1) and (f2) provide that land being taxed at present-use value pursuant to G. S. 105-277.4 qualifies for a delay in many of the effects of the proposed annexation. G.S. 160A-49(f1) and (f2) also provide that the owner of land that was eligible for present-use value taxation on **June 14, 2010** but which has not been in actual production for the time period required by G.S. 105-277.3 may qualify for a delay in many of the effects of the proposed annexation by making application to the Mecklenburg County Tax Assessor's Office for certification thereof to the City. For qualified tracts, the proposed annexation will not become fully effective, including taxation and services, until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2). Upon the proposed annexation of the area, any qualified tracts: will be considered part of the City only (1) for the purpose of establishing City boundaries for additional annexation and (2) for the exercise of City authority pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes (planning, zoning, and regulation of development); will not be taxed by the City and will not be entitled to services from the City as a result of annexation; and will continue to be provided police protection service and water and sewer service by the City in the same manner as such services are provided to such tracts by the City prior to the proposed annexation. Upon the proposed annexation of the area and at such time as a tract or part thereof becomes ineligible for any delay in the effects of annexation as set forth above, all City services will be provided to such tract or part thereof on substantially the same basis and in the same manner as such services are provided in the City. The Mecklenburg County Tax Assessor's Office will provide information to the City on the eligibility of owners for the rights described above.

## **APPENDIX G**

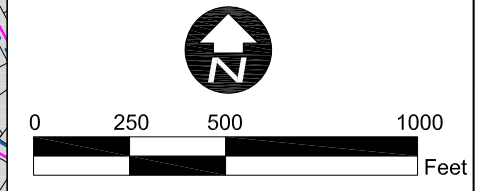
### **MAPS OF THE BASIC WATER AND SEWER SYSTEMS TO BE EXTENDED IN THE ANNEXATION AREA**

The following page(s) contain map(s) depicting the basic water and sewer systems to be extended in the annexation area. The Official Report for the annexation area also contains one or more detailed maps of the annexation area depicting present major trunk water mains and sewer interceptors and outfalls and the extension of such mains and outfalls, bearing the seal of a registered professional engineer. Such maps are located in a pocket at the end of the Official Report, viewable in the office of the Charlotte City Clerk, located in the Charlotte-Mecklenburg Government Center, 600 E. Fourth Street, Charlotte, NC 28202.



**Legend**

- Proposed Lift Station
- Existing Manhole
- Existing Sewer
- Existing CMU Water Line
- Proposed Sewer
- Proposed Water Line
- County Tax Parcel
- 2011 Annexation
- Charlotte
- Mecklenburg
- Streams



No.	Date	By	Revision

**CHARLOTTE-MECKLENBURG UTILITIES**  
 ENGINEERING DIVISION  
 CHARLOTTE, NORTH CAROLINA

Job No. _____		File No. _____	
Scales: 1"=500'			
PLAN	Hor.	Vert.	
As Built	Date		
Surveyed By	Designed By	Drawn By	Project-Engr
			Approved By
			Date
			5/03/10
			Sheet 1 of 1

This map graphically depicts the approximate location of proposed gravity sewer lines to serve the low points of the existing publicly maintained roads and proposed water lines to provide fire protection in the proposed 2011 Annexation Qualifying Area in compliance with Charlotte Mecklenburg Utilities current Design Manual of Water and Sewer Policies, Procedures, Standards and Specifications. This map does not constitute a design and construction document.

2011 ANNEXATION AREA

RHYNE  
 Annexation Qualifying Area



[www.charlotteplanning.org](http://www.charlotteplanning.org)

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