

SPRING PARK

2009
Annexation Plan

City of Charlotte, North Carolina
A Summary Report

ANNEXATION PLAN

CITY OF CHARLOTTE, NORTH CAROLINA

**A PROPOSAL TO CONSIDER ANNEXATION OF THE
SPRING PARK
AREA**

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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
(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 **Spring Park** Annexation Area, as defined in this Report, was adopted by the City Council at a regular meeting held on the **28th day of July, 2008**. A notice of a public informational meeting to be held on the **18th day of September, 2008** and a public hearing to be held on the **27th day of October 2008**, 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 7th 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.

PART I: THE PROPOSED AREA

General Description of the Area

The Spring Park area is located north of the current City limits, east of NC115 (Statesville Road) and west of Browne Road, in the Hucks Road vicinity. The area consists primarily of low- and medium-density residential development, but also includes some County-owned parkland and a public elementary that was under construction when the fieldwork was conducted in March, 2008. A portion of the Spring Park area boundary (bisecting the parkland property) is formed by the future right-of-way of re-aligned Hucks Road. Portions of the Spring Park and Davis Ridge residential developments are located within this area, which contains 265.2 acres and has an estimated population of 839.

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 **39,556.3** feet, of which **27,904.7** feet or **70.5%** 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 sub-sections:
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 **3.63** persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are **310** dwelling units in the area (**all single family**

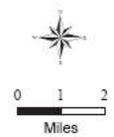
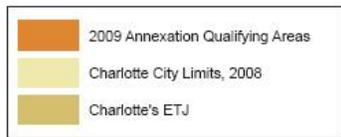
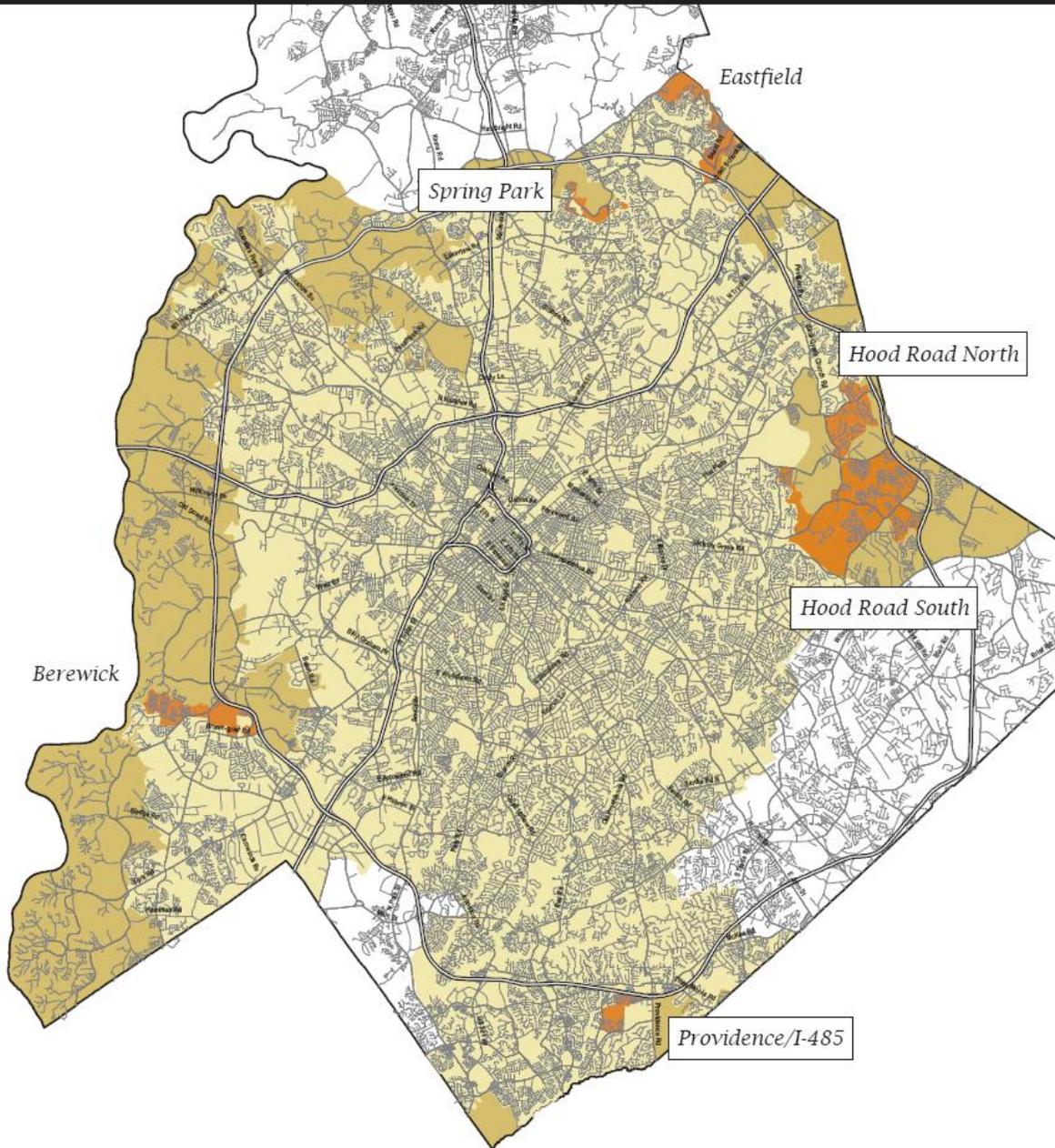
units), which when multiplied by the average household size of **2.89** for single-family units and taking into account an occupancy rate of **94.7%** for single family units (all according to the latest federal decennial census, augmented by the 2006 U.S. Census American Community Survey data) results in an estimated total resident population of **839**. This population, when divided by the total number of acres (**230.9**) in the developed part of the area, results in a population density of **3.63** 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 **265.2**. Of that acreage, **34.3 acres, or 12.9%** 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 **7,111.3** feet of which **7,111.3 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.

2009 Annexation Qualifying Areas

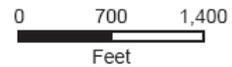


Source: Charlotte-Mecklenburg Planning Department, April 2008.

Spring Park Annexation Qualifying Area, 2009



Source: Charlotte-Mecklenburg Planning Department, April 2008.

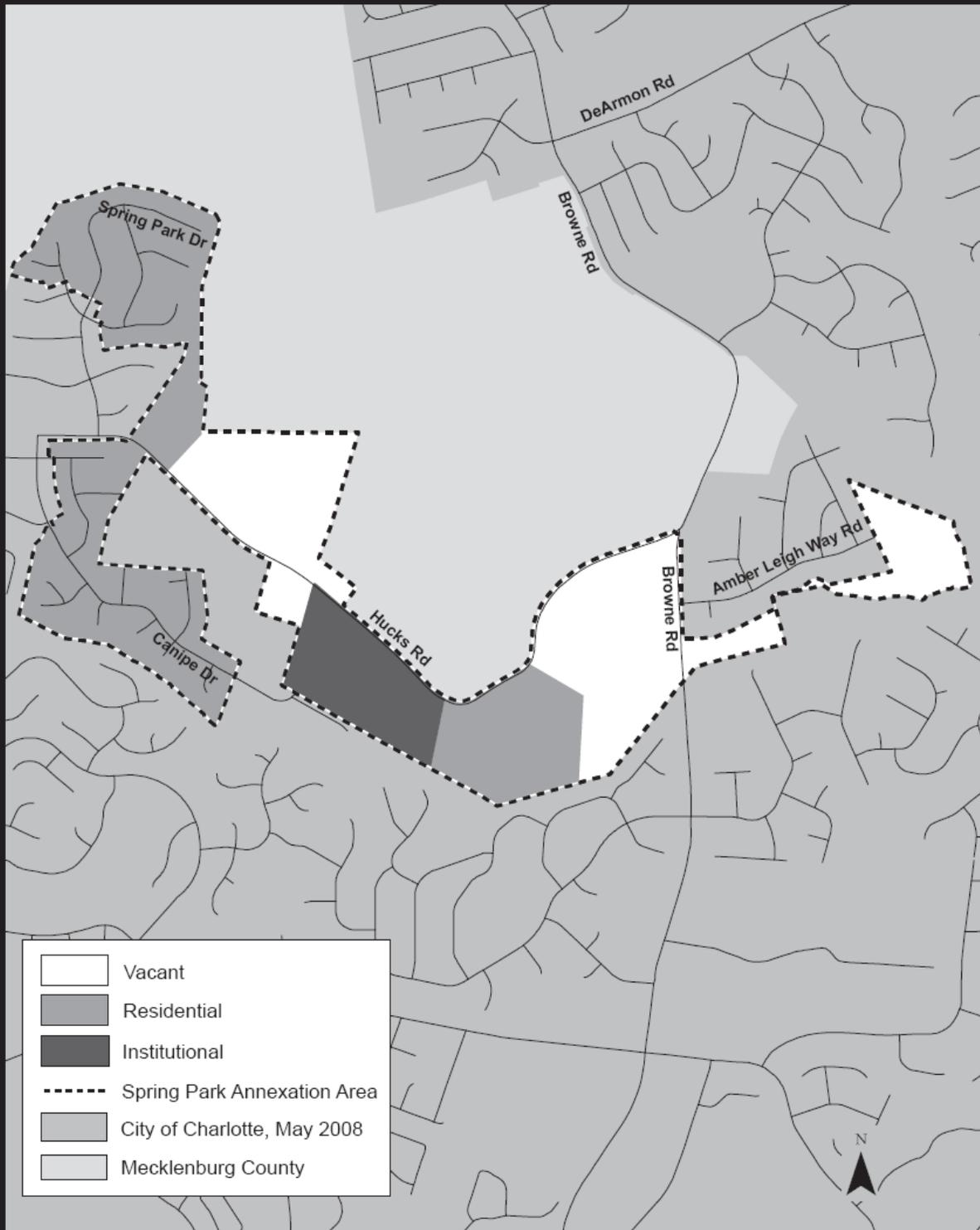


Spring Park Annexation Qualifying Area, 2009 D Land Area



Source: Charlotte-Mecklenburg Planning Department, May 2008.

Spring Park Annexation Qualifying Area, 2009 Generalized Land Use



Source: Charlotte-Mecklenburg Planning Department, June 2008.

PART II: PLAN FOR SERVICES

Extension of City Services

PLANS FOR THE CITY OF CHARLOTTE TO EXTEND MUNICIPAL SERVICES TO THE SPRING PARK 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, 2009.

FIRE PROTECTION. The 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 Office. The City enjoys a favorable insurance rating of "three". Protection is afforded by 1,083 full-time employees operating 39 engine companies, 14 ladder companies, 5 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 4 hazardous materials trucks. The Department's equipment is housed in 38 strategically located fire stations.

Fire protection services will be extended to the Spring Park 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. This level of fire protection to the Spring Park Area will be provided by existing facilities located at Station 28, located at 8031 Old Statesville Road. Service will commence on the effective date of annexation. In order to provide fire service, start-up funds of \$25,762 from FY2009 will be required, along with operating funds of \$48,457 in FY2010 and \$30,814 in FY2011.

Reasonably effective fire protection services will be provided on the effective annexation date in those 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 350 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 five 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

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 28 lies in closest proximity. Back-up will be provided by the tanker located at Station 21.

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 over 400 vehicles, providing public transportation service along 75 routes located throughout Mecklenburg County and surrounding counties in the Charlotte region. CATS services include express service, local, cross-town, neighborhood-community shuttles and activity center circulators.

There are currently no routes serving the annexation area. 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 ¾ 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.

In order to provide operations/street maintenance services on substantially the same basis and in the same manner as provided in the City, approximately \$31,817 from the General Fund in FY2010 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 \$14,554 and \$94,456 in FY2011 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 DEPARTMENT. 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. 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 Spring Park area on substantially the same basis and in the same manner as provided in the City using existing resources. With the exception of \$1,653 in FY2010 and \$1,674 in FY2011, 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, recyclables and yard waste collection services; has a call-in service for collection of bulk items, white goods, tires and dead animals; delivers rollout carts and recycling bins 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. This division provides weekly residential collection of garbage, recyclables, yard waste, bulky items, white goods and tires, although portions of the City may be served through a contract with a private solid waste collection firm under managed competition guidelines. Residents are provided with one 96-gallon rollout cart and one 16/18-gallon recycling bin free of charge. Garbage, recyclables 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 collection upon the recommendation of a certified physician and receive the service upon verification of the need by City staff.

Special Services. This division provides weekly garbage collection from small businesses; dead animal collection; sweeps and cleans permanently paved streets; litter collection and cleanup of illegal dumps; delivery of rollout carts and recycling bins and 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 proposed annexation area. If a private solid waste collection firm of sufficient size providing collection services in the proposed 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 to 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 complexes having 30 or more residential units that use dumpsters or compactors. The City also contracts to provide scheduled bulky item pickup service for these complexes. Additionally, the City contracts the delivery and maintenance of all rollout garbage containers. Regardless of whether solid waste services are provided by a private solid waste collection firm or by City forces in the proposed 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 \$46,638 from the General Fund in FY2010 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, \$52,594 from the FY2009 (current year) General Fund – which has been designated in the FY2009 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, procurement, radio and network communications, and an assortment of other operational and strategic services.

No additional funding will be required for BSS 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.

NEIGHBORHOOD DEVELOPMENT The Neighborhood Development Key Business provides services in three 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. These 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.

Neighborhood Services This area provides neighborhood capacity building through complex problem solving, community leadership and organizational development, neighborhood matching grants and workforce development administration.

No additional resources will be required for Neighborhood Development 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 F of this Summary report, and can also be viewed at 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 on May 26, 1992, including any amendments thereto. Extension of sewer street mains and water mains in dedicated, maintained streets 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 \$100,000 for sewer. Annual utilities operating expenses are estimated to be \$11,359 in FY2010 and \$389 in FY2011. 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 F 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.

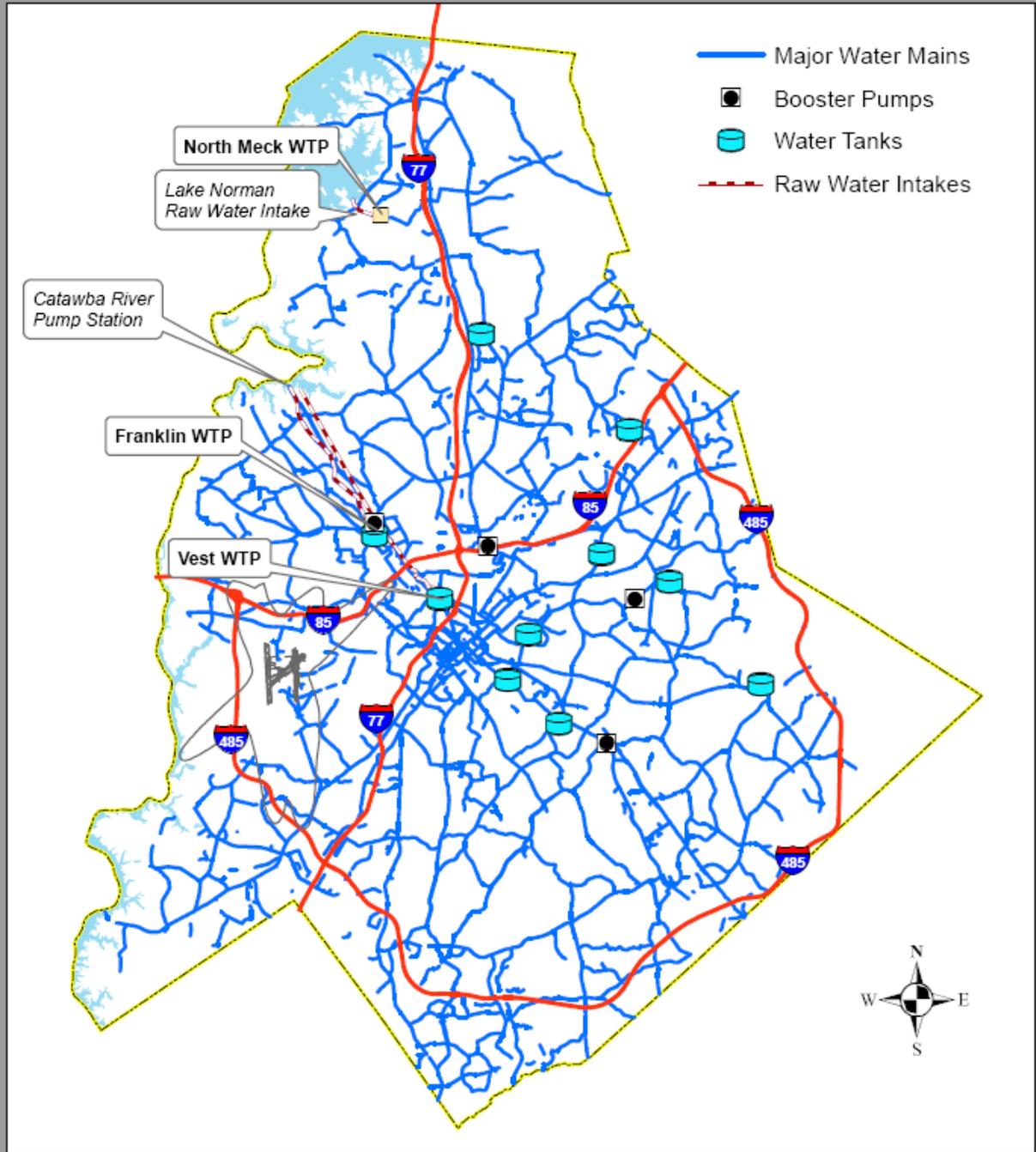
SPRING PARK ANNEXATION AREA

2009 Annexation

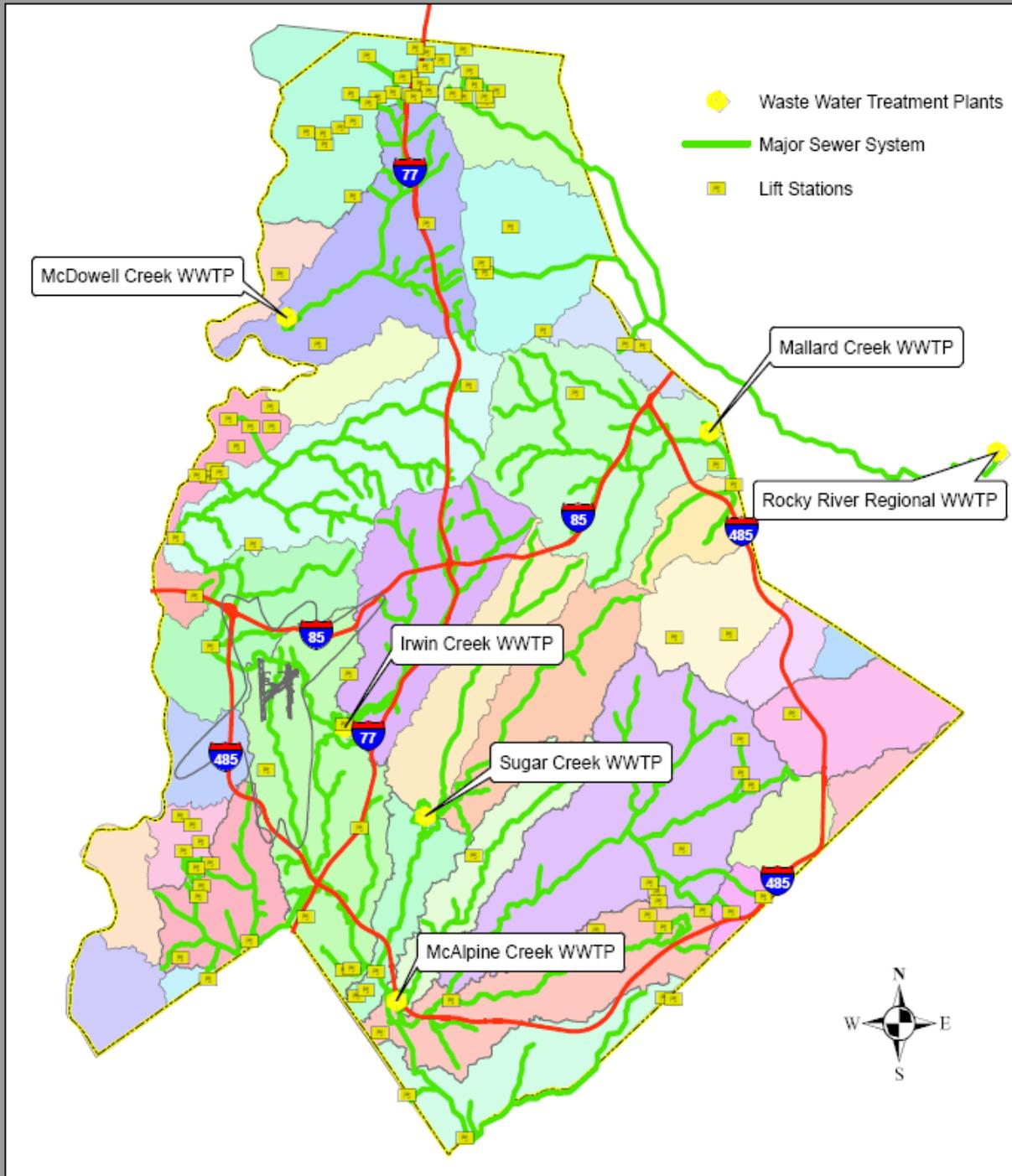
Proposed Construction Timetable for Water and Sanitary Sewer

Award Design Contract:	November, 2008
Begin Design/Survey:	November, 2008
Submit 50% of Completed Plans & right-of-way Maps for Acquisition:	May, 2009
Complete Water and Sanitary Sewer Design:	January, 2010
Advertise for Construction:	February, 2010
Complete Construction:	June 30, 2011

Charlotte-Mecklenburg Utilities Major Water System



Charlotte-Mecklenburg Utilities Major Sewer System



PART III: FIRE PROTECTION IMPACT STATEMENT

Craighead and Mallard Creek Volunteer Fire Departments

The Craighead and Mallard Creek Volunteer Fire Departments (VFD) provide fire suppression services to the Spring Park annexation area, and the Mecklenburg County Fire Marshal's Office provides fire prevention services. The Craighead and Mallard Creek VFD serve as insurance districts as defined by G.S. 153A-233 and no fire tax is levied on the property they protect. They also report that they do not employ full-time personnel.

The Craighead VFD estimates that the area of its fire district is 17.23 square miles; it estimates that it protects a population of 10,407 people, while the Mallard Creek VFD estimates that its fire district measures 7.12 square miles with an estimated 10,241 people protected. The population of the Spring Park area is estimated to be **839** and the area **.41** square miles or **265.2** acres (with population of 809 and 0.21 square miles in the Craighead district and population of 30 and 0.20 square miles in the Mallard Creek district). Based on this information, annexation of the Spring Park area will result in an estimated 1.2 percent reduction in the area and an estimated 7.7 percent reduction in the population served by the Craighead VFD, and an estimated 2.8 percent reduction in area and estimated 0.3 percent reduction in the population served by the Mallard Creek VFD. After annexation, the Charlotte Fire Department will provide all fire protection services to the Spring Park area, possibly supplemented by a contract for fire suppression with the Craighead and/or Mallard Creek VFDs.

Fire Suppression

The Craighead VFD operates 3 pumpers, 1 ladder truck, 3 water tankers, 1 brush truck and an equipment truck for fire suppression services. One pumper and the ladder truck are typically dispatched to all fires. The Mallard Creek VFD operates 2 pumpers, 1 water tanker, 1 rescue truck, and 1 brush truck for fire suppression services. Both pumpers, the water tanker, the rescue truck and the brush truck are typically dispatched to all fires. Both the Craighead and Mallard Creek VFDs utilize 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. Craighead VFD reports that an average of 7 volunteers respond during daylight hours (8:00 a.m. to 6:00 p.m.) and 7 at night (6:01 p.m. to 7:59 a.m.), while Mallard Creek VFD reports that an average of 7 volunteers respond during daylight hours (8:00 a.m. to 6:00 p.m.) and 12 at night (6:01 p.m. to 7:59 a.m.).

At the first report of a structure fire in the Spring Park area, the Craighead Volunteer Fire Department is dispatched to assist when the fire occurs in the Mallard Creek VFD area. Mallard Creek VFD is dispatched to assist when the fire occurs in the Craighead VFD area. 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 Craighead and Mallard Creek VFD's request from other volunteer departments and from the Charlotte Fire Department.

The Charlotte Fire Department will provide fire suppression response to the Spring Park area

after annexation. The Department operates 39 engine companies, 14 ladder companies, 2 urban search and rescue squads, 5 water tankers, 5 brush trucks, and other assorted fire suppression equipment. At the first report of a structure fire in the Spring Park 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. Dispatching will be provided by the Department's communications center, which receives calls through the emergency 911 number. 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.

The Craighead VFD station is located at 110 South Old Statesville Road. Average response time from this station to the Spring Park area is estimated by Craighead VFD to be approximately 6 minutes and 30 seconds, depending upon the location of the fire within Spring Park area. This time does not include response by volunteers to the fire station to staff the fire trucks, which is estimated by Craighead VFD to average 1 minute during the day and 2 minutes 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 Craighead VFD was not provided by the company.

The Mallard Creek VFD station is located at 10702 Mallard Creek Road. Average response time from this station to the Spring Park area is estimated by Mallard Creek VFD to be approximately

7 minutes, depending upon the location of the fire within Spring Park area. This time does not include response by volunteers to the fire station to staff the fire trucks, which is estimated by Mallard Creek VFD to average 2 minutes during the day and 4 minutes 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 Mallard Creek VFD was not provided by the company.

Charlotte Fire Department Station 28, located at 8031 Old Statesville Road, houses the closest engine with an estimated response time of 4 minutes and 3 seconds to the farthest point in the Spring Park area, representing a distance of approximately 2.9 miles. Charlotte Fire Department Station 31, located at 3820 Ridge Road will provide the second engine and the ladder. Response times to the Spring Park area meet the City-wide standard for protection of single family residential property (9 minutes maximum), multifamily residential (6 minutes), and business property (6 minutes) which correspond to Class 3 requirements of the Insurance Services Office.

Financial Information

Craighead VFD did not provide information on the value of their capital assets. The Craighead VFD has reported a liability of \$162,752.06 on apparatus and equipment. The Craighead VFD did not estimate the revenue loss that will occur from the annexation of the Spring Park area. Capital assets of the Mallard Creek VFD for the most recently completed fiscal year were \$957,530. The Mallard Creek VFD has reported a liability of \$114,722.16 on apparatus and

equipment. The Mallard Creek VFD estimates a loss of \$4,065, which is 25 percent of their total revenue as a result of the annexation in the Spring Park 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 firesetters counseling and fire hydrant maintenance.

Insurance Risk

With fire suppression provided by the Craighead and Mallard Creek VFDs, homes in the Spring Park area receive a Class 6 rating in the Craighead VFD service area, and a Class 5 rating in the Mallard Creek VFD service area from the North Carolina Rate Bureau. After annexation, with service from the Charlotte Fire Department, the Spring Park area will be included in Charlotte's Class 3 rating. A table of comparisons follows:

Annual Premiums for HO3 Insurance Policy*				
	\$150,000 Valuation		\$250,000 Valuation	
	Frame	Brick	Frame	Brick
Class 3	\$477	\$455	\$720	\$688
Class 5	\$477	\$455	\$720	\$688
Class 6	\$477	\$455	\$720	\$688
* NC Rate Bureau base rates for standard coverage of a 3-year-old house with \$500 deductible and credits for smoke detectors, fire extinguishers, and deadbolt locks.				

Insurance rates for businesses may vary considerably, and large structures which are determined by the Insurance Services Office to require more than 3500 gallons of water per minute for firefighting are rated individually and independently of the area's insurance classification. A typical sample rate for a small business structure is shown below.

Annual Premiums for Insuring a Small Business Structure **	
	\$300,000 Valuation
Class 3	\$2,588
Class 5	\$2,588
Class 6	\$2,588
** NC Rate Bureau base rates for a non-sprinklered brick mercantile structure	

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 Spring Park annexation area indicates projected revenues of \$351,078 and \$429,232 in the first and second years of annexation, respectively. The anticipated service costs are \$554,478 and \$191,878 in the first and second years, respectively. In addition, \$400,000 in capital improvements are recommended for projects such as water and sewer service extensions and construction of fire stations.

The analysis of revenues and costs was presented to City Council at their meeting of **July 21, 2008**. Detailed information is on file in the City Clerk's Office ("2009 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 2009 City Revenues	FY 2010 – Annexation Area Estimated Revenue Change	FY 2011 – Annexation Area Estimated Revenue Change
Sales Tax	\$63,887,639	\$4,413	\$50,243
Beer and Wine Tax	\$3,068,000	4,044	4,165

A copy of this Report (including Appendix B), as well as a copy of the Preliminary 2009 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

SPRING PARK AREA IN TERMS OF STATUTORY REQUIREMENTS (STATISTICS COMPILED APRIL, 2008)

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	39,556.3 ft.	
2. Boundary contiguous with municipal boundary	27,904.7 ft.	
3. Proportion of total boundary contiguous with the municipal boundary	70.5%	>= 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	310	
2. Average number of persons per household (2000 Census) ⁽¹⁾	2.89 (single family)	
3. Estimated population of developed part of the area	839	
4. Acreage of developed part of the area	230.9	
5. Population per acre in developed part of area	3.63	>= 2.3

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

⁽¹⁾ augmented by the 2006 U.S. Census American Community Survey data

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)	3.63	>= 1.0
2. Total acreage of all lots in developed part of the area	155.6	
3. Total acreage of lots 3 acres or less in developed part of area	90.6	
4. Acreage of 3 above as proportion of 2 above	58.2%	>=60%
5. Total number of lots in developed part of the area	321	
6. Number of lots in developed portion of area 1 acre or less	308	
7. Number of lots in 6 above as proportion of 5 above	95.9%	>=65%

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

STATISTICAL SUMMARY (Continued)

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	321	
2. Total number of lots and tracts used for urban purposes in developed part of area	317	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	98.7%	>=60%
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	152.1	
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	87.0	
6. Acreage in 5 above as proportion of acreage in 4 above	57.2%	>=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))	265.2	
2. Total acreage of subsection “d” land	34.3	
3. Percent of area which is subsection “d”	12.9%	<=25%
4. Total boundary of subsection “d” land	7,111.3 feet	
5. Boundary of subsection “d” land contiguous with municipal boundary and boundary of developed part of area	7,111.3 feet	
6. Boundary in 4 above as proportion of 5 above	100%	>=60%

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

Appendix B: 2009 Annexation Area Economic Analysis: Spring Park

EXPENDITURES	FY09	FY10			FY11
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
TRANSPORTATION					
Street Lighting	0	0	185	185	185
Operations	0	16,295	0	16,295	0
Street Maintenance	0	793	14,544	15,337	16,248
Electronic Systems	0	0	0	0	0
FIRE					
Operations	25,762	0	48,457	48,457	30,814
SOLID WASTE					
	52,594	1,366	45,272	46,638	48,112
ENGINEERING					
Operations	0	0	1,653	1,653	1,674
CITY MANAGER'S OFFICE					
Corporate Communications	21,000	0	0	0	0
NEIGHBORHOOD DEVELOPMENT					
	0	0	0	0	0
BUSINESS SUPPORT SERVICES					
	0	0	0	0	0
ECONOMIC LOSS					
Volunteer Fire Departments	33,871	0	0	0	0
Private Solid Waste Collection Firms	81,515	0	0	0	0
TOTAL GENERAL FUND					
	214,742	18,454	110,111	128,565	97,033
POWELL BILL FUND					
Street Maintenance	0	2,077	12,477	14,554	94,456
UTILITIES					
	0	10,990	369	11,359	389
STORM WATER FUND					
	0	0	0	0	0
TOTAL OPERATING EXPENDITURES					
	214,742	31,521	122,957	154,478	191,878
GENERAL CAPITAL					
Fire Stations	0	0	0	0	0
UTILITIES (Capital Expend)					
Water	0	300,000	0	300,000	0
Sewer	0	100,000	0	100,000	0
TOTAL EXPENDITURES					
	214,742	431,521	122,957	554,478	191,878

2009 Annexation Area Economic Analysis: Spring Park

	FY09	FY10			FY11
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
REVENUES					
TAXES AND FEES					
Property Taxes ⁽¹⁾	0	0	226,036	226,036	230,557
Police Service District Reduction ⁽¹⁾	0	0	(63,561)	(63,561)	(68,678)
Business Privilege	0	0	6,408	6,408	6,600
Cable TV Franchise	0	0	9,321	9,321	9,601
Animal Control	0	0	465	465	479
Utility Franchise	0	0	23,051	23,051	23,743
Sales Tax ⁽¹⁾	0	0	4,413	4,413	50,243
Beer and Wine Tax	0	0	4,044	4,044	4,165
Motor Vehicle License	0	0	3,445	3,445	3,514
Solid Waste Disposal	0	0	13,950	13,950	13,950
User Fees	0	0	0	0	0
TOTAL GENERAL FUND	0	0	227,572	227,572	274,174
POWELL BILL FUND	0	0	28,028	28,028	28,868
WATER AND SEWER OPERATING	0	10,990	369	11,359	389
MUNICIPAL DEBT SERVICE FUND ⁽¹⁾	0	0	34,217	34,217	53,172
PAY-AS-YOU-GO FUND ⁽¹⁾	0	0	25,948	25,948	47,955
STORM WATER FUND	0	0	23,954	23,954	24,673
TOTAL OPERATING REVENUES	0	10,990	340,088	351,078	429,232
COPs – FIRE STATION	0	0	0	0	0
WATER AND SEWER REVENUE BONDS	0	400,000	0	400,000	0
TOTAL ALL REVENUES	0	410,990	340,088	751,078	429,232
REVENUES OVER EXPENDITURES	(214,742)	(20,531)	217,131	196,600	237,354
Net Impact to General Fund	(214,742)	(18,454)	117,461	99,007	177,141

Notes

⁽¹⁾ 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

2009 ANNEXATION AREA BOUNDARY DESCRIPTION

SPRING PARK ANNEXATION AREA

Beginning at a point on the existing CHARLOTTE CITY LIMITS LINE, thence in an Easterly direction following along and with the Existing Charlotte Limits Line and the Southerly boundary line of Deed Book 9238 page 413 and also along and with the Northerly boundary line of Spring Park Phase 1 Map 2 Map Book 31 Page 657 and the Northerly lot lines of Lots 57-58-59-60-61 with bearings and distances as follows: South 72-57-03 East 260.08 feet to a point; thence North 71-37-25 East 46.81 feet to a point; thence South 18-22-35 East 70.00 feet to a point; thence North 71-37-26 East 155.35 feet to a point, said point being the Northeasterly corner of Lot 61 located on the Westerly right-of-way margin of Carver Pond Road; thence crossing said road North 74-26-20 East 50.00 feet to a point, said point being located on the Easterly right-of way margin of Carver Pond Road also being located on the Southerly boundary line of Deed Book 9238 page 413; thence following along the Existing Charlotte Limits Line and with the Easterly right-of-way margin of Carver Pond Road with a bearing and distance of South 15-33-40 East 94.97 feet to a point, said point being the Northwesterly corner of Lot 78 located on the Easterly margin of said road; thence in a Southeasterly direction with the Existing Charlotte Limits Line, being the Northerly boundary line of said lot 78 recorded in said Map Book 31 page 657 with bearings and distances as follows: North 74-26-20 East 33.32 feet to a point; thence South 64-30-31 East 145.00 feet to a point, said point being the Northeasterly corner of Lot 78 located on the Westerly right-of-way margin of Spring Park Drive; thence crossing Spring Park Drive with a bearing and distance of South 52-42-58 East 51.14 feet to a point, said point being the Northwesterly corner of Lot 1, recorded in Map Book 31 page 657, located on the Easterly right-of-way margin of Spring Park Drive; thence along and with Existing Charlotte Limits Line and the northerly boundary line of Lot 1 with the following bearings and distances :thence South 64-50-31 East 80.00 feet to a point, said point being the Northeasterly corner of Lot 1 as recorded in Map Book 31 page 657; thence South 25-09-29 West 143.00 feet to a point, said point being the Southeasterly corner of Lot 1 located on the Northerly right-of-way margin of Carver Pond Road; thence along and with the Existing Charlotte Limits Line, being the Northerly right-of-way margin of Carver Pond Road, with a bearing and distance of South 64-50-31 East 76.53 feet to a point formerly located at the end of said road; thence crossing said road in a Southerly direction with a bearing and distance of South 25-09-29 West 50.00 feet to a point located on the Southerly right-of-way margin at the end of said road and also being the Northeasterly corner of Lot 32 as recorded in Map Book 31 page 657 (Spring Park Phase 1 Map 2); thence in a Southerly direction along and with the Existing Charlotte Limits Line, being the Easterly boundary line of said Map Book and the Easterly boundary lines of Lots 32-31-30-29 Block 2 with a bearing and distance of South 08-24-09 East 205.64 feet to a point, said point being South 08-24-06 East 18.36 feet from the Northeasterly corner of Lot 29 Block 2, Spring Park Phase 1 Map 2 recorded in Map Book 31 page 657 and also being the Northwesterly corner of Lot 26 Block 2, Spring Park Phase 1 Map 1 recorded in Map Book 29 page 427; thence in an Easterly direction along and with the Existing Charlotte Limits Line, being the Southerly boundary line of Deed Book 9238 page 413 and the Northerly Boundary line of Lots 26-25-24-23-22-21-20-19 of Block 2, Spring Park Phase 1 Map 1 with the following bearings and distances: thence North 81-35-51 East 301.36 feet to a point, Thence; North 89-54-39 East 86.80 feet to a point, thence South 83-35-58 East 171.23 feet to a point, thence North 77-45-56 East 205.96 feet to a point, said point being the Northeasterly most corner of Map Book 29 page 427 and also being the Northeasterly corner of Lot 19 and also being the Southeasterly corner of Deed Book 9238 page 413 located on the westerly boundary line of Deed Book 4180 page 180; thence in a Southwesterly direction along and with the Existing Charlotte Limits Line being the Easterly boundary line of said Map Book 29

page 427, the Westerly boundary line of Deed Book 4108 page 180 and also being the Easterly boundary line of Lots 19-18-17-04-03-02 and common open space Block 2 with bearings and distances as follows: South 16-25-08 West 169.53 feet to a point; thence South 34-57-45 West 778.23 feet to a point, said point being on the Northerly right-of-way margin of Hucks Road and also being the Southeasterly corner of the Common Area; thence continuing with said boundary line to a point of intersection with the Southerly right-of-way margin of said road; thence in a Westerly direction along and with the Existing Charlotte Limits Line, being the Southerly right-of-way margin of Hucks Road, approximately 720 feet to a point located on the Southerly right-of-way margin of said road and also being the Northeasterly corner of Lot 1 Davis Ridge Phase 1, Map 1 recorded in Map Book 31 page 315; thence in a Southerly direction along and with the Easterly boundary of said Map Book also being the Westerly boundary line of Deed Book 10341 page 205 and Deed Book 9264 page 504 with bearings and distances as follows: South 00-35-17 West 130.00 feet to a point, said point being the Southeasterly corner of Lot 1 Davis Ridge Phase 1 Map 1, located on the Northerly right-of-way margin of Falls Ridge Lane; thence in an Easterly direction along and with the Existing Charlotte Limits Line, being the Northerly right-of-way margin of said Road, South 89-24-43 East 45.00 feet to a point, said point being the Northeasterly end of said road; thence in a Southerly direction crossing said road, South 00-35-01 East 50.00 feet to a point, said point being the Northeasterly corner of Lot 2 located on the Southerly right-of-way margin of said Falls Ridge Lane; thence continuing in a Southerly direction along and with the Existing Charlotte Limits Line and the said boundary line with the following bearings and distances: South 00-35-17 West 102.47 feet to a point; thence following along a circular curve to the left with a radius of 840.00 feet, an arc length of 326.18 feet along the Easterly boundary lines of Lots 02-03-04-78-77-76-75-74 of said Map Book to a point, said point being the Southeasterly most corner of Lot 74 and also being the Southeasterly corner of Davis Ridge Phase 1 Maps 1 & 2 recorded in Map Book 31 page 315; thence in a Southwesterly direction along and with the Existing Charlotte Limits Line, being the Southerly boundary line of Lot 74 and the Westerly boundary line of Deed Book 9264 page 504, with a bearing and distance of South 64-20-51 West 130.00 feet to a point, said point being the Southwesterly most corner of Lot 74 located on the Easterly right-of-way margin of Canipe Drive; thence in a Southeasterly direction along and with the Existing Charlotte Limits Line, being the Easterly right-of-way margin of said road, following a circular curve to the left with a radius of 970.00 feet, and an arc length of 59.63 feet to a point, said point formerly being the end of Canipe Drive; thence crossing said road South 60-48-30 West 60.00 feet to a point, said point being the other end of said right-of-way margin, said point being located on the Southerly margin of Brandy Ridge Lane; thence in a Northwesterly direction continuing with the Southerly right-of-way margin of said Brandy Ridge Lane along and with a circular curve to the left having a radius of 30.00 feet, and an arc length 23.27 feet to a point, said point being the Northeasterly most corner of Lot 73 Davis Ridge Phase 1 Map 2 recorded in Map Book 30 page 765; thence in a Southerly direction along and with the Existing Charlotte Limits Line, being the Easterly property line of said Lot 73 and the Westerly boundary line of Deed Book 9264 page 504 with the following bearings and distances: South 22-31-24 West 98.37 feet to a point; thence South 42-25-27 West 79.51 feet to a point; said point being a common corner with the Northeasterly corner of Map Book 25 Page 507 (common area) and the Southeasterly point of Lot 73 Map Book 30 Page 765, thence with the Easterly line of said Common Area South 12-58-12 West 666.46 feet; thence South 69-00-19 East 49.61 feet; thence South 63-44-36 East 126.81 feet to a point, said point being the Northeasterly corner of the boundary as shown on Map Book 25 page 507, said point also being the Northerly most corner of the boundary as shown on Map Book 23 page 967; thence following the Northerly line of said boundary in a Southeasterly direction with the following (5) bearings and distances: (1) South 63-44-36 East 282.29 feet to a point, (2) South 82-37-26 East 208.85 feet to a point, (3) South 80-26-46 East 192.00 feet to a point, (4) South 62-11-26 East 45.46 feet to a point, and (5) South 36-01-56 East 32.39 feet to a point, said point being approximately 20 feet North of and parallel to the centerline of Clarks Creek Tributary #1A as shown on Map Book 23 page 967, said point being the Northeasterly most corner of the boundary as shown on said Map Book, said point also being North 28-08-14 East 24.82 feet

from a common corner of Lot 52 and Lot 53 as shown on Map Book 23 page 331; thence following the Existing Charlotte Limits Line also being the Northerly boundary of a 40 foot Permanent Drainage Easement as shown on said Map with the following (20) bearings and distances: (1) South 67-54-50 East 50.51 feet to a point, (2) South 59-54-31 East 102.00 feet to a point, (3) South 48-17-30 East 28.77 feet to a point, (4) South 65-51-06 East 64.22 feet to a point, (5) South 60-26-47 East 26.69 feet to a point, (6) South 55-50-32 East 134.94 feet to a point, (7) South 56-05-19 East 47.06 feet to a point, (8) South 32-28-21 East 17.26 feet to a point, (9) South 82-35-09 East 45.07 feet to a point, (10) South 46-28-14 East 45.14 feet to a point, (11) South 76-59-29 East 35.98 feet to a point, (12) South 20-28-34 East 32.69 feet to a point, (13) South 54-37-01 East 51.89 feet to a point, (14) South 45-12-50 East 84.25 feet to a point, (15) South 34-49-34 East 9.17 feet to a point, (16) South 49-52-01 East 120.79 feet to a point, (17) South 49-46-53 East 108.17 feet to a point, (18) South 14-06-08 East 15.99 feet to a point, (19) South 47-58-50 East 124.22 feet to a point, and (20) North 69-30-28 East 21.04 feet to a point, said point being a Southwesterly corner of the property described in Deed Book 7922 page 696; thence following the Westerly line of said property North 20-33-36 East 606.23 feet to a point, said point being the Northwesterly corner of said property; thence in a Northwesterly direction running along the Existing Charlotte Limits Line also being the southerly property line of Deed Book 12860 Page 142 and also being the Northerly property lines of lots 158 through 153 and a portion of lot 152 as recorded in Map Book 39 Page 849 with a bearing and distance of North 59-45-33 West 403.96 feet to a point; thence in a Northerly direction running along the property line of said Deed Book 12860 Page 142 and running along the rear property lines of lot 149 through 141 as recorded in Map Book 39 Page 849 with the following (2) bearings and distances: (1) North 16-40-37 East 185.77 feet to a point; (2) North 05-23-38 West 438.92 feet to a point, said point being the northeasterly corner of said Lot 141; thence in Westerly direction continuing running with the Southern property line of said Deed Book 12860 Page 142 and also being the Northerly property line of lot 141, crossing the terminus of Royal Bluff Drive and continuing with the Northerly property line of lot 140 and lot 139, as recorded in said Map Book 39 Page 849 with a bearing and distance of North 86-16-16 West 474.38 feet to a point, said point being the Northwesterly corner of said Lot 139 and also being the Northeasterly corner of Deed Book 13620 Page 356; thence continuing in a Westerly direction running with the Existing Charlotte Limits Line, also being the southerly property line of said Deed Book 12860 Page 142 and also being the Northerly property line of Deed Book 13620 Page 356, with a bearing and distance of North 86-26-17 West 208.71 feet to a point, said point being the Northwesterly corner of said Deed Book 13620 Page 356 being located on the easterly margin of Hollow Ridge Lane; thence crossing the terminus of Hollow Ridge Lane continuing along the southerly property line of said Deed Book 12860 Page 142 and also being the northerly property line of lot 123 as recorded in Map Book 39 Page 270 with a bearing and distance of North 86-17-49 West 259.59 feet to a point, said point being the Northwesterly most corner of lot 123 as recorded in Map Book 39 Page 270 located on the rear property line of Lot 117 as recorded in Map Book 37 Page 117 and also being the southerly most corner of Lot 114 as recorded in Map Book 33 Page 635; thence in a North Northeasterly direction running along the Existing Charlotte Limits Line, also being the Westerly property line of said Deed Book 12860 Page 142 and also being the rear property lines of Lots 114,113,112,111 and a portion of lot 110, with a bearing and distance of North 14-40-10 East 416.12 feet to a point, said point being located on the rear property line of said Lot 110; thence in a Northeasterly direction continuing with the Westerly property line of said Deed Book 12860 Page 142 and also a portion of Lot 110 and Lot 109 as recorded in Map Book 33 Page 635 and continuing with the rear property line of Lot 104 crossing the terminus of Croft Haven Drive and continuing along the rear property line of Lot 103 as recorded in Map Book 33 Page 399 with a bearing and distance of North 33-08-13 East 371.06 feet, to a point said point being the easterly most corner of said Lot 103 and also being a common corner with Deed Book 6197 Page 608 and Deed Book 7050 Page 114; thence continuing in a Northeasterly direction along the Existing Charlotte Limits Line also being the Westerly property line of said Deed Book 12860 Page 142 and the Easterly property of said Deed Book 6197 Page 608 with a bearing and distance of North 33-08-13 East approximately 300 feet

to a point, said point being 30 feet south of and normal to the centerline of Hucks Road and also being located on the Easterly property line of said Deed Book 6197 Page 608 and the Westerly property line of Deed Book 12860 Page 142; thence in a Southeasterly direction along and with the Existing Charlotte Limits Line, being a line 30 feet south of and parallel with the centerline of Hucks Road approximately 1,480 feet to a point, said point being 30 feet south of a normal to the centerline of Hucks Road; thence in a Southerly direction running along the Existing Charlotte Limits Line, also being the Westerly property line of Deed Book 4108 Page 183 and the Easterly property line of said Deed Book 12860 Page 142, with a bearing and distance of South 19-47-00 West approximately 473 feet to a point, said point being the Southwesterly most corner of said Deed Book 4108 Page 183; thence in a southeasterly direction running along the southerly property line of said Deed Book 4108 Page 183 and the Easterly property line of said Deed Book 12860 Page 142 with a bearing and distance of South 70-13-00 East 414.78 feet to a point, said point being the southeasterly most corner of said Deed Book 4108 Page 183 located on the said westerly property line of said Deed Book 21394 page 804; thence in a southerly direction running with the Easterly property line of said Deed Book 12860 Page 142 and the Westerly property line of said Deed Book 21394 Page 804 with a bearing and distance of South 19-47-00 West 560.34 feet to a point, said point being the southeasterly most corner of said Deed Book 12860 Page 142 and also being the southwesterly corner of Deed Book 21394 Page 804 and also being located on the Northerly boundary line of Map Book 42 Page 919; thence in a Southeasterly direction South 59-47-11 East 987.07 feet to a point, said point being the Northeasterly corner of the property described in said Map Book 42 Page 919, said point also being the Northerly most corner of a Common Area as described in Map Book 25 page 744; thence following the Existing Charlotte Limits Line also being the Northeasterly line of said Common Area, South 60-51-40 East 354.73 feet to a point, said point being the Northeasterly corner of a Common Area as described in Map Book 25 page 744, said point also being the Northwesterly corner of said Common Area as described in Map Book 25 page 743; thence following the Northeasterly line of said Common Area as described in Map Book 25 page 743 with the following (3) bearings and distances: (1) South 60-51-40 East 210.74 feet to a point, (2) South 62-10-56 East 541.51 feet to a point, and (3) South 58-09-38 East 127.27 feet to a point, said point being the Northeasterly corner of said Common area as described in Map Book 25 page 743, said point also being the Northwesterly corner of a Common Area as described in Map Book 24 page 417; thence with the Existing Charlotte Limits Line, also being the Northern line of said Common area as described by said Map, South 58-09-38 East 20.47 feet; thence North 74-19-07 East 611.22 feet to a point, said point being the Northeasterly corner of said Common Area, said point also being the Northwest corner of Lot 37 as shown on Map Book 22 page 800; thence following the northerly property line of said Lot 37 North 74-19-07 East 70.08 feet to a point, said point being the Northeasterly corner of said lot 37 and also being the Northwesterly corner lot 36 as shown on recorded Map Book 22 Page 589; thence continuing along the Northerly boundary line of Lots 36 through 32 with a bearing and distance of North 74-19-07 East 368.73 feet to a point, said point being the Northeasterly corner of said Lot 32 also being the Southwesterly corner of Lot 31 as recorded on said Map Book 22 Page 589; thence following the Northwesterly property line of said Lot 31 North 38-42-03 East 46.29 feet to a point, said point being the northerly most corner of said Lot 31 also being the Northwesterly corner of Lot 30 as shown in recorded Map Book 23 Page 302; thence, running along the Existing Charlotte Limits Line, also being the Northerly boundary line of Lots 30 through 23 and the Northwesterly property line of a 20' access R/W to the Brown Property, with a bearing and distance of North 38-42-03 East 702.74 feet to a point, said point being the common corner of the property as described in Deed Book 7523 Page 828 and Deed Book 7789 Page 859; Thence North 41-07-00 East approximately 298.06 feet to a point, said point being located on the Westerly right-of-way margin of Browne Road; thence, crossing Browne Road with the Existing Charlotte Limits Line approximately 80 feet to a point on the Easterly right-of-way margin of Browne Road, said point being located on the northerly property line of Deed Book 2389, page 59; thence with the Existing Charlotte Limits Line, also being located on the Northerly property line of said Deed Book 2389 Page 59, North 38-30-00 East 146.20 feet to a point; thence North

74-16-00 East 273 feet to a point, said point being the most Northeasterly corner of said Deed Book 2389 Page 59; thence in a Northeasterly direction North 76-13-20 East 550.00 feet to a point, said point being located on the Westerly property line of Deed Book 7717, Page 527; thence, continuing in a Northerly direction along the Westerly boundary of said Deed Book 7717 Page 527, North 11-25-35 West 447.34 feet to a point, said point being the Northwesterly corner of said property; thence continuing along the Existing Charlotte Limits Line, also being the Northerly property line of said Deed Book 7717 Page 527 North 78-45-50 East 439.67 feet to a point, said point being the Northerly corner of said property, said point also being on the centerline of Clarks Creek Tributary #1, as shown on recorded Map Book 23 Page 478; thence, continuing along the centerline of Clarks Creek Tributary #1 as shown on said Map Book 23 Page 478 with the following (22) bearings and distances along and with the Existing Charlotte Limits Line: (1) South 83-48-30 East 70.18 feet,(2) South 80-33-20 East 99.46 feet,(3) South 78-07-51 East 90.53 feet to a point, (4) South 78-31-49 East 108.80 feet, (5) North 80-43-06 East 67.80 feet to a point; (6) North 84-45-16 East 42.58 feet to a point; (7) North 87-09-20 East 125.40 feet to a point; (8) South 70-38-09 East 47.07 feet to a point, (9) South 74-50-56 East 83.55 feet to a point; (10) South 75-55-02 East 43.68 feet to a point; (11) North 60-25-23 East 27.61 feet to a point; (12) North 19-13-37 East 9.65 feet to a point; (13) North 52-01-07 East 46.42 feet to a point; (14) South 80-00-59 East 29.80 feet to a point; (15) North 71-44-30 East 79.43 feet to a point; (16) North 74-47-46 East 63.24 feet to a point; (17) South 85-58-51 East 25.77 feet to a point, (18) North 64-45-58 East 29.43 feet to a point; (19) South 85-18-35 East 33.56 feet to a point; (20) South 71-34-40 East 45.02 feet to a point; (21) North 85-59-08 East 53.00 feet to a point; (22) North 88-39-27 East 24.71 feet to a point located at the intersection of Clarks Creek Tributary #1 with Clarks Creek also being located on the existing Charlotte City limits line; thence continuing along the centerline of Clarks Creek with the following (10) bearings and distances as follows: (1) North 20-03-51 East 33.89 feet to a point; (2) North 03-54-08 West 47.35 feet to a point;(3) North 16-21-22 West 68.28 feet to a point; (4) North 08-18-48 West 78.85 feet to a point; (5) North 16-22-11 West 53.46 feet to a point; (6) North 04-37-42 West 71.45 feet to a point;(7) North 27-26-45 West 121.13 feet to a point;(8) North 14-57-25 West 70.73 feet to a point; (9) North 06-37-40 West 48.88 feet to a point; (10) North 02-51-30 West 28.88 feet to a point located in the center line of Clarks Creek, said point also being located North 71-17-59 West 142.75 feet from the southwesterly corner of Lot 30 as recorded in Map Book 23 Page 747; thence running from said point located in the center line of Clarks Creek in a Northwesterly direction with the Existing Charlotte Limits Line, also being the southwesterly property line of Deed Book 5617 Page 724 with a bearing and distance of North 68-14-32 West 545.77 feet to a point said point being a common corner with said Deed Book 5617 Page 724, Deed Book 8938 Page 935 and Deed Book 20102 Page 459 all being located on the northerly property line of Deed Book 9758 Page 673; thence continuing with Existing Charlotte Limits Line, also being the common property lines of said Deed Book 20102 Page 459 and Deed Book 9758 Page 673, with the following (3) bearings and distances: (1) North 67-28-17 West 460.63 feet to a point; (2) South 25-11-18 East 914.64 feet to a point; (3) South 78-14-51 West 569.25 feet to a point; thence in a westerly direction following along and with the Existing Charlotte City Limits Line with the following (13) bearings and distances: (1) North 59-07-39 West 65.92 feet to a point,(2) North 67-45-31 West 38.77 feet to a point, (3) North 78-04-35 West 22.39 feet to a point, (4) South 82-40-07 West 33.75 feet to a point, (5) South 64-48-03 West 28.69 feet to a point, (6) South 44-26-58 West 38.26 feet to a point, (7) South 54-37-48 West 59.40 feet to a point, (8) South 36-16-21 West 24.16 feet to a point, (9) South 78-14-50 West 265.13 feet to a point, (10) South 14-29-34 East 136.16 feet to a point, (11) South 62-47-59 West 433.52 feet to a point, (12) South 69-28-42 West 176.59 feet to a point, (13) South 87-34-19 West 281.39 feet to a point, said point being within the margin of Browne Road; thence in a northerly direction with the existing Charlotte City limits line North 02-02-27 West 482.75 feet to a point; thence North 02-50-17 West 102.58 feet to a point; thence North 00-23-55 West 322.28 feet to a point; thence North 85-41-48 West 26.91 feet to a point; thence North 02-55-56 West 42.07 feet to a point said point being located approximately within the intersection of Hucks Road and Browne Road; thence leaving the Existing Charlotte City Limits Line in a Northwesterly direction

crossing the intersection of Hucks Road and Browne Road approximately 60 feet to a point, said point being 30 feet northwest of and normal to centerline of Hucks Road; thence in a southwesterly direction following along and with a line 30 feet North of and parallel with the centerline of said Hucks Road approximately 4,075 feet to a point, said point being located 30 feet Northwest of and normal to centerline of Hucks Road and also being located on the Easterly property line of Deed Book 4079 Page 164 a common property line with Deed Book 23134 Page 734; thence in a Northeasterly direction running along the said Easterly property line of Deed Book 4079 Page 164 North 39-46-47 East approximately 193 feet to a point, said point being the Northeasterly corner of said Deed Book 4079 Page 164, a common corner with Deed Book 23134 Page 734; thence in a Northwesterly direction running along the Northerly property line of Said Deed Book 4079 Page 164, a common property line with said Deed Book 23134 Page 734, North 50-13-51 West 437.80 feet to a point said point being the Northwesterly corner of said Deed Book 4079 Page 164, a common corner with said Deed Book 23134 Page 734 and also being located on the Easterly property line of Deed Book 5803 Page 496; thence in a Northeasterly direction running along the Easterly property lines of Deed Book 5803 Page 496 and Deed Book 12860 Page 142, being a common property line with said Deed Book 23134 Page 734, North 17-07-38 East 1,191.14 feet to a point, said point being an Easterly corner of Deed Book 12860 Page 142, a common corner with said Deed Book 23134 Page 734; thence in a Northeasterly direction running along the Easterly property line of said Deed Book 12860 Page 142 being a common property line with said Deed Book 23134 Page 734 North 30-36-59 East 163.29 feet to a point said point being located on the Easterly property line of said Deed Book 12860 Page 142 being a common property line with said Deed Book 23134 Page 734, said point also being located on the Northerly margin of the FUTURE ALIGNMENT OF HUCKS ROAD which will have a 100 foot future R/W per City of Charlotte Departments of Transportation and Engineering as shown on an unrecorded survey by Arthur F. Forman dated 10-23-2001; thence in a Westerly direction along and with the Northerly margin of the FUTURE ALIGNMENT OF HUCKS ROAD with the following (3) bearing and distances: (1) South 83-04-25 West 654.86 feet to a point; (2) with the arc of a circular curve to the right, having a radius of 3,000 feet, an arc distance of 557.18 feet and a chord bearing and distance of South 88-23-40 West 556.38 feet to a point; (3) North 86-17-06 West 292.31 feet to a point, said point being the Easterly corner of the property as described in Deed Book 12860 Page 147 being a common corner with said Deed Book 12860 Page 142; thence in a Northwesterly direction running along the Easterly property line as described in Deed Book 12860 Page 147 North 08-35-04 East 410.96 feet to a point, said point being on the Easterly property line of said Deed Book 12860 Page 147 a common corner with said Deed Book 12860 Page 142; thence in a Northwesterly direction, running along a portion of the Northerly property line of said Deed Book 12860 Page 147 North 53-07-45 West 84.24 feet to a point located on the Easterly property line of Deed Book 1514 Page 309; thence in a Northwesterly direction running along the Easterly property line of said Deed Book 1514 Page 309 with the following (2) bearings and distances: (1) North 35-30-00 East 43.82 feet to a point; (2) North 03-30-00 East approximately 850 feet to a point, said point being the Northerly most corner of said Deed Book 1514 Page 309 being located on the Westerly property line of said Deed Book 12860 Page 142 and also being located on the rear lot line of Lot 69, Block 2 as recorded in Map Book 40 Page 391, which said point is located North 16-25-07 East 47.85 feet from the Southeasterly corner of said Lot 69; thence in a Northwesterly direction running along the rear lot lines of Lot 69 and Lot 70, Block 2 as recorded in said Map Book 40 Page 391 and continuing with the rear lot lines of Lots 90,91 and 92, Block 2 as recorded in Map Book 39 Page 224 with a bearing and distance of North 19-58-20 East 518.23 feet to a point, said point being the Easterly most corner of said Lot 92; thence in a Westerly direction running with the rear lot lines of Lot 92 through Lot 103 with the following (4) bearings and distances: (1) North 26-30-30 West 115.25 feet to a point; (2) North 65-18-27 West 410.58 feet to a point; (3) North 65-17-17 West 108.85 feet to a point; (4) North 77-05-39 West 345.94 feet to a point said point being the Northwesterly corner of said Lot 103; thence in a Westerly direction running with the rear lot lines of Lot 104 through Lot 109 and a 2.065 acre Common Open Space with the following (4) bearings and distances: (1) North 77-05-39 West 49.67 feet to a point; (2) South 72-

40-43 West 544.47 feet to a point;(3) North 73-09-27 West 49.38 feet to a point; (4) South 30-36-53 West 136.10 feet to a point, said point being the Westerly corner of said 2.065 Common Open Space and also being the Northerly corner of Lot 72 as recorded in Map Book 37 Page 887; thence in a Southwesterly direction running along the rear lot lines of Lot 72,71,70,67 and Lot 66 with the following (3) bearings and distances: (1)South 30-36-53 West 339.04 feet to a point;(2) South 50-03-45 West 217.91 feet to a point; (3) South 17-02-57 West 116.02 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, **October 27, 2008** 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: \$3,373 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: \$1,777 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 2009 (July 1, 2008 through June 30, 2009) 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, November 3, 2008.

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. 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, the requested extension will not be required to be made. 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, a new request for an extension of water and/or sewer lines may be submitted. 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 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, 2009. 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 Director of Charlotte-Mecklenburg Utilities.
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 KBE of CMUD 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

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 **July 28, 2008** 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 F

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

The following pages contain maps 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

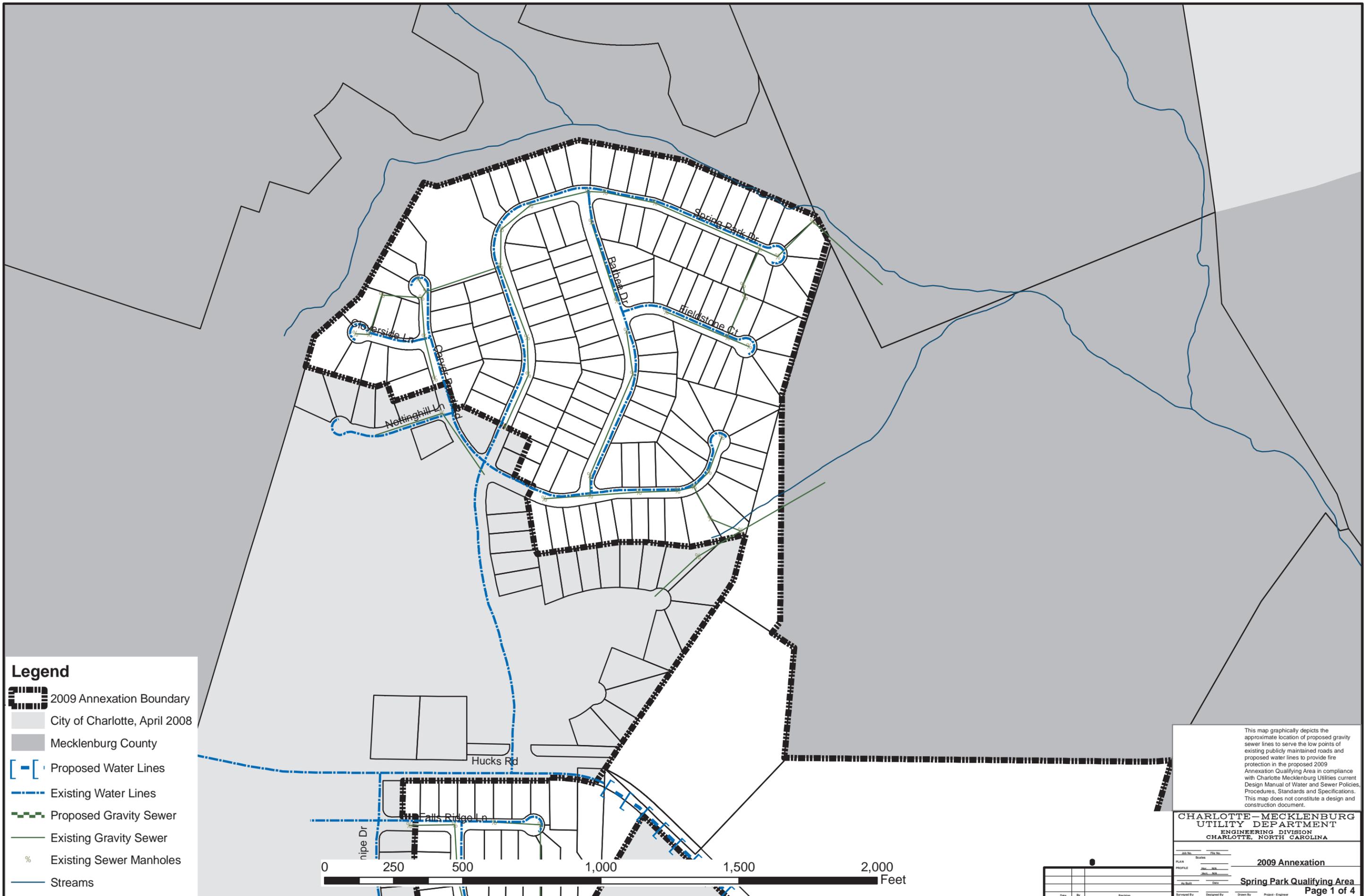
-  2009 Annexation Boundary
-  City of Charlotte, April 2008
-  Mecklenburg County
-  Proposed Water Lines
-  Existing Water Lines
-  Proposed Gravity Sewer
-  Existing Gravity Sewer
-  Existing Sewer Manholes
-  Streams



This map graphically depicts the approximate location of proposed gravity sewer lines to serve the low points of existing publicly maintained roads and proposed water lines to provide fire protection in the proposed 2009 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.

CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT
 ENGINEERING DIVISION
 CHARLOTTE, NORTH CAROLINA

Job No.	Scale	2009 Annexation
PLAN		
PROFILE		
As Built	Date	Spring Park Qualifying Area
Surveyed By	Designed By	Drawn By
		Project Engineer



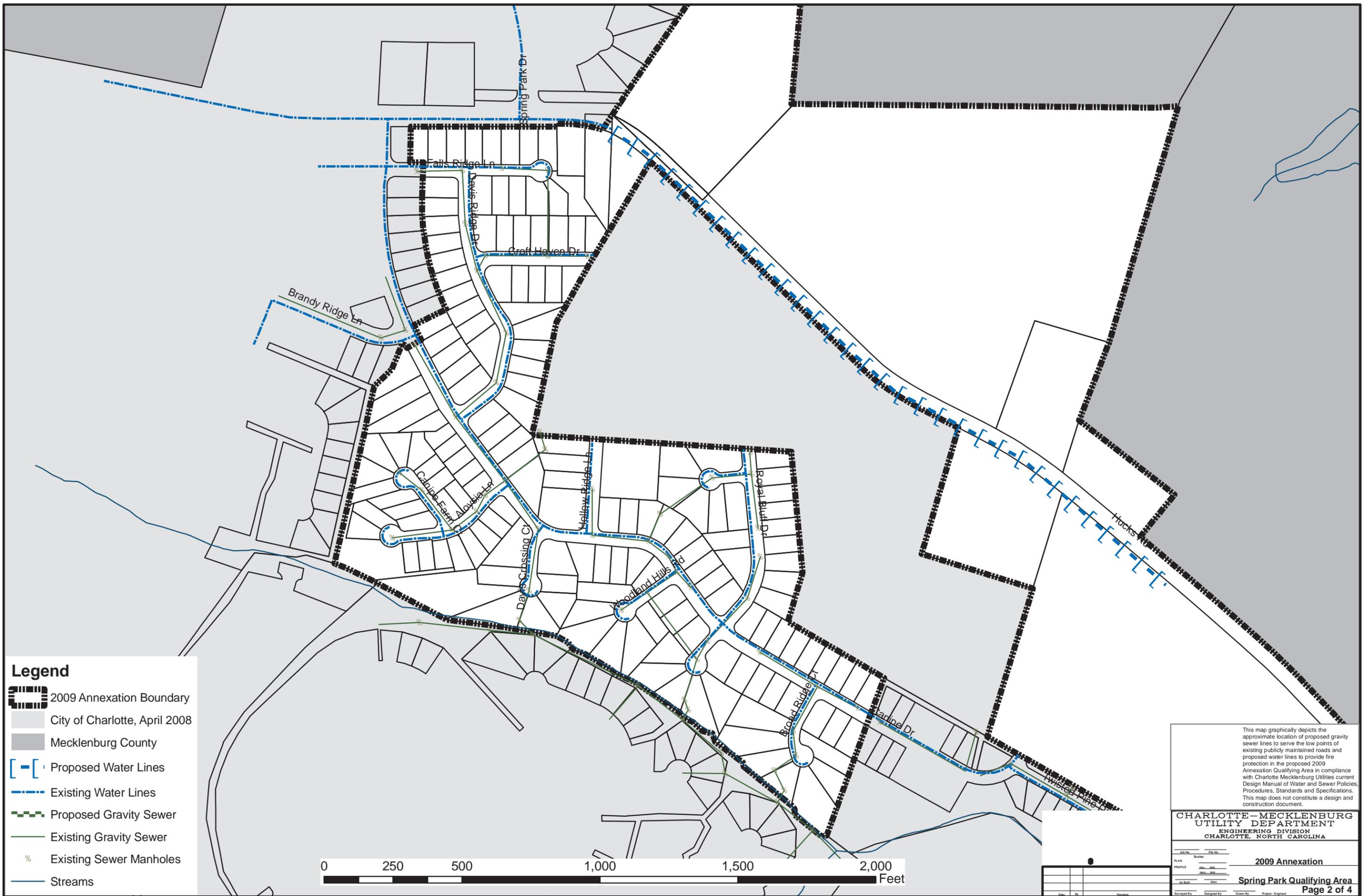
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-  2009 Annexation Boundary
-  City of Charlotte, April 2008
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**CHARLOTTE - MECKLENBURG
UTILITY DEPARTMENT**
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

Job No.	Scale	File No.
PLAN	As Sh.	2009 Annexation
PROFILE	As Sh.	Spring Park Qualifying Area
As Built	Date	
Surveyed By	Designed By	Drawn By
		Project Engineer



Legend

-  2009 Annexation Boundary
-  City of Charlotte, April 2008
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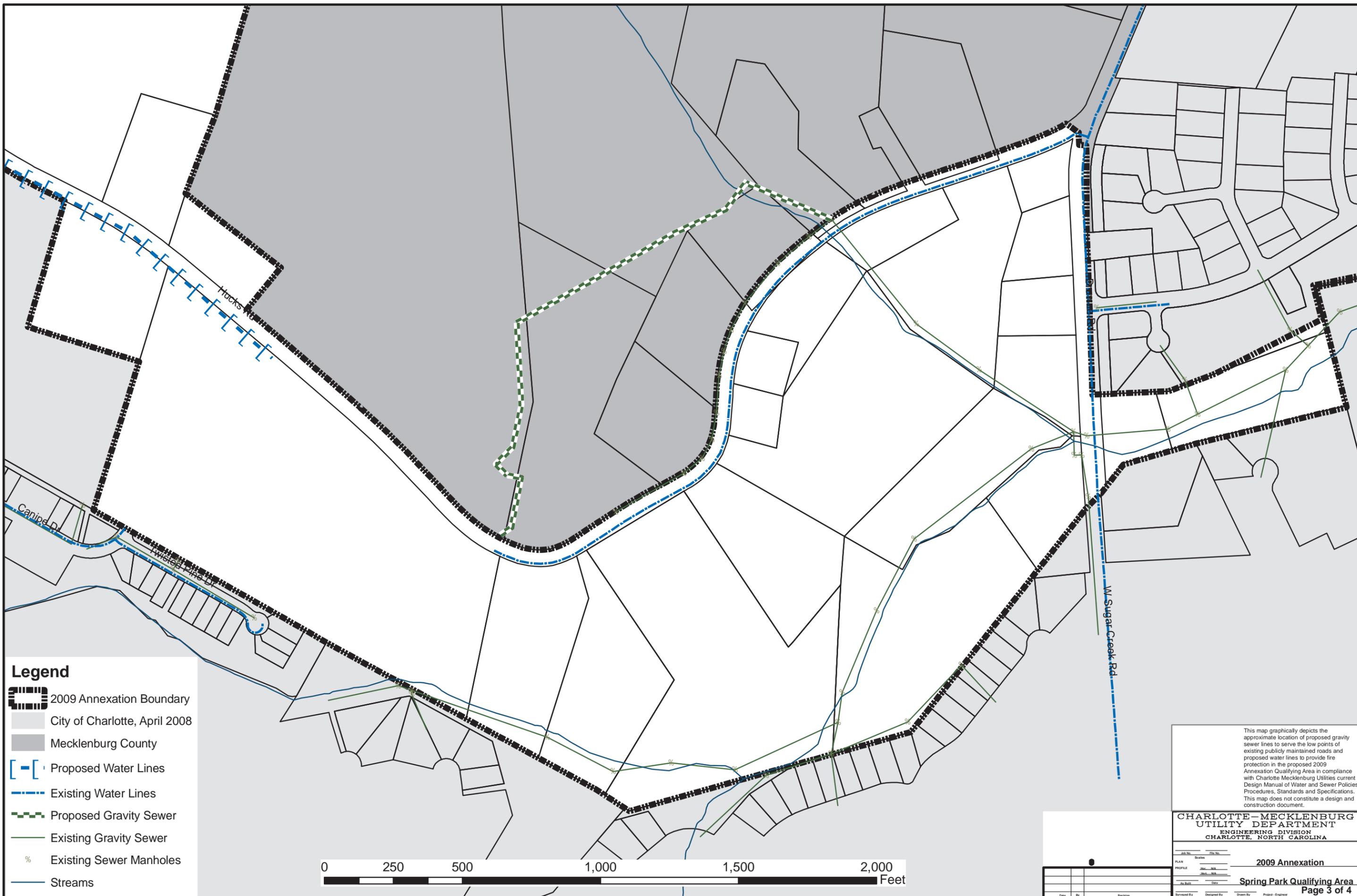


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**CHARLOTTE - MECKLENBURG
UTILITY DEPARTMENT**
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

Job No.	Scale	File No.
PLAN		2009 Annexation
PROFILE		
As Built	Date	
Surveyed By	Designed By	Drawn By
		Project Engineer

Spring Park Qualifying Area
Page 2 of 4



Legend

-  2009 Annexation Boundary
-  City of Charlotte, April 2008
-  Mecklenburg County
-  Proposed Water Lines
-  Existing Water Lines
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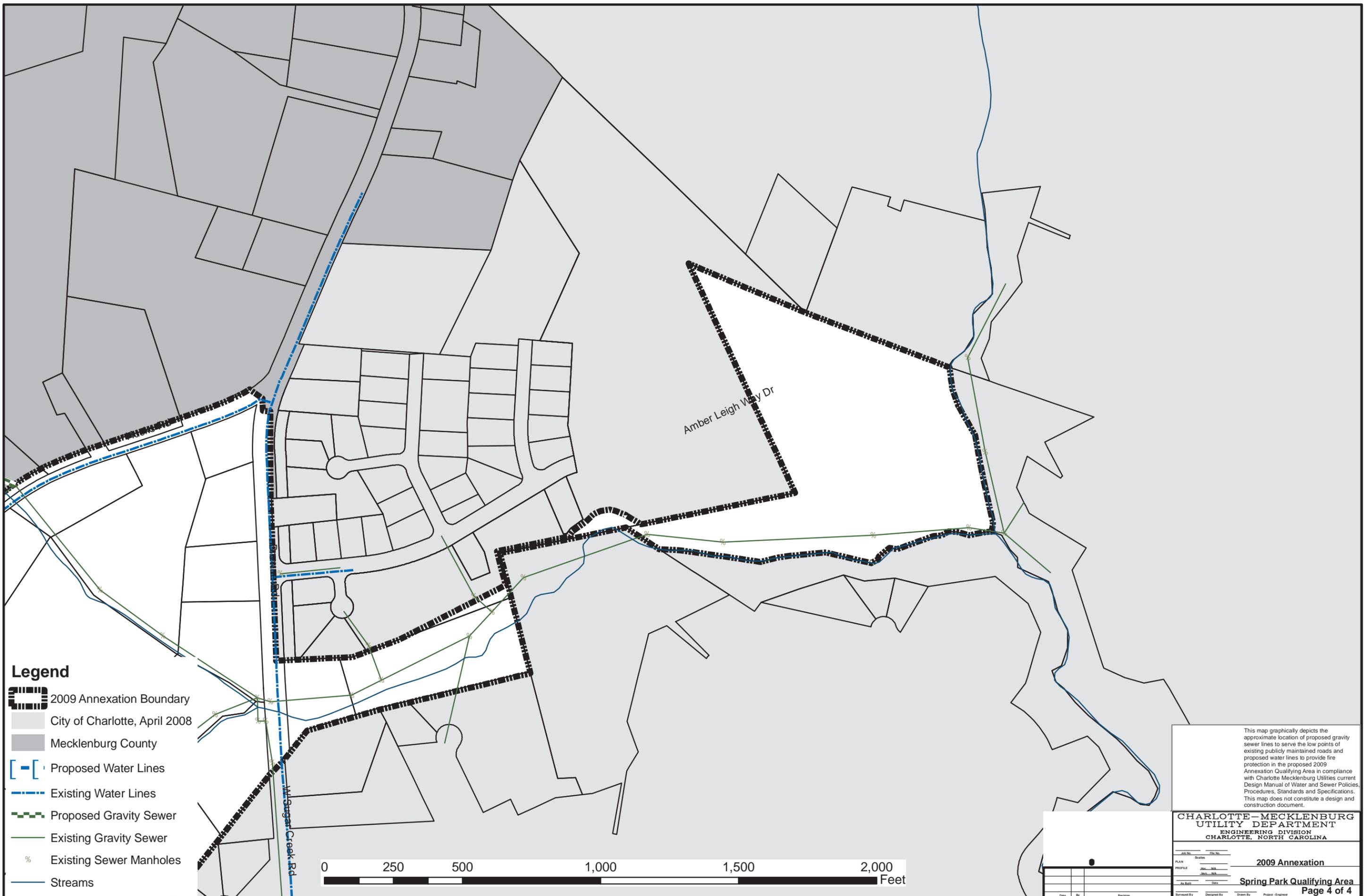


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CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT
 ENGINEERING DIVISION
 CHARLOTTE, NORTH CAROLINA

Job No.	Scale	File No.
PLAN		2009 Annexation
PROFILE		
As Built	Date	
Surveyed By	Designed By	Drawn By
		Project Engineer

Spring Park Qualifying Area
 Page 3 of 4



Legend

-  2009 Annexation Boundary
-  City of Charlotte, April 2008
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**CHARLOTTE - MECKLENBURG
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ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

Job No.	Scale	File No.
PLAN		2009 Annexation
PROFILE	Sheet No.	
As Built	Date	
Surveyed By	Designed By	Drawn By
		Project Engineer