



**TOWN OF HARRISBURG, NORTH CAROLINA
HARRISBURG TOWN HALL
TOWN COUNCIL MEETING**

**December 9, 2019
6:00 PM**

AGENDA

1. CALL TO ORDER

- A. AGENDA ADOPTION
- B. INVOCATION
- C. PLEDGE OF ALLEGIANCE
- D. SPECIAL PRESENTATIONS
 - 1. Presentation of Retirement Plaque to Facilities Maintenance Supervisor, Dale Freeman.
- E. PUBLIC COMMENT - Anyone wishing to address the Town Council may do so during the Public Comment section. Please state your name and address for the record, be courteous and do not repeat what has already been said. Please keep your comments about the subject and not personal in nature.

2. CONSENT AGENDA

- A. Consider the minutes of the November 12, 2019 Town Council meeting.
- B. Consider the minutes of the November 12, 2019 Closed Session.
- C. Consider the minutes of the November 25, 2019 Special Town Council Meeting.
- D. To set a public hearing for January 13, 2020 to consider the annexation of parcels associated with Camellia Gardens Subdivision, H2018-08-(R).
- E. Consideration of Amendment to FY2020 Budget Ordinance for Deputies Insurance Proceeds
- F. Consideration of contract and Project Ordinance amendment for Harrisburg Veterans Park project

3. COMMUNICATIONS

- A. TOWN MANAGER/FINANCE MONTHLY REPORT
- B. MAYOR'S COMMENTS
- C. COUNCIL COMMENTS

4. OLD BUSINESS

5. NEW BUSINESS

- A. Presentation of plaques to outgoing Council members Benita Conrad and Christopher Barfield.
- B. Oath of Office for newly elected and/or re-elected Council members Rodney Dellinger, Ian Patrick, Ron Smith and Rick Russo.
- C. To set a public hearing for January 13, 2020 to consider changes to Chapter 53 - Storm Water of the Town of Harrisburg Code of Ordinances.

6. PUBLIC HEARINGS

- A. Public hearing to consider amending the rezoning conditions for the Harrisburg Town Center project (H 2018-14 (R)).

7. ACTION ITEMS

8. CLOSED SESSION

9. ADJOURNMENT

Town of Harrisburg's Vision Statement

Harrisburg will be the best small town in North Carolina based on low density housing, excellent economic opportunities, a safe living environment, and efficient and effective municipal services. Amenities such as excellent recreational programs, adequate open space, attractive shopping opportunities, a diversity of restaurants, and a connected system of roadways, sidewalks, greenways, and bicycle lanes will continue to enhance the quality of life of the Town. These services and amenities will be provided while retaining reasonable tax rates and debt levels.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the November 12, 2019 Town Council meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the November 12, 2019 Town Council meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. Minutes November 12, 2019

**TOWN OF HARRISBURG, NORTH CAROLINA
TOWN COUNCIL MEETING
MONDAY, NOVEMBER 12, 2019
6:00 PM**

MINUTES

Mayor Steve Sciascia called the meeting to order.

PRESENT: Mayor Steve Sciascia; Mayor Pro-Tem John Booth, Councilmembers Diamond Staton-Williams, Benita Conrad, Rick Russo, Ron Smith, Christopher Barfield

ABSENT: Councilmember Troy Selberg

1A.

AGENDA ADOPTION

One change proposed – to remove Item 6B. the petitioner has asked to be rescheduled later.

MOTION:

Councilmember Russo made a motion to adopt the agenda with the proposed change. Second was made by Mayor Pro-Tem Booth. **The motion passed 6-0.**

1B.

INVOCATION

Councilmember Barfield conducted the invocation.

1C.

PLEDGE OF ALLEGIANCE

1D.

SPECIAL PRESENTATIONS

- **Proclamation – Veterans Day**
- **Presentation of Certificates to Fall 2019 Citizen's Academy Graduates.**

1E.

PUBLIC COMMENT

- Jason Gaddis, 8619 Wellington Lane, Harrisburg – Grading permit rules
- Patrick Bane, 8760 Robinson Church Road, Harrisburg – Storm drainage issues
- Jeff Phillips, 6005 The Meadows Lane, Harrisburg – thanked Council for their service, happy to see Transportation Bond money being used, NCDOT received \$200 million federal grant so don't let them forget about Harrisburg

2.

CONSENT AGENDA

- A. Consider the minutes of the October 14, 2019 Town Council meeting.

MOTION:

Councilmember Russo made a motion to approve the Consent Agenda. Second was made by Mayor Pro-Tem Booth. **The motion passed 6-0.**

3A.

COMMUNICATIONS

TOWN MANAGER/FINANCE REPORT

Manager Report:

- Thanked Daniel Stines and the Parks and Recreation staff for the Veterans Day ceremony held at the new Veterans Park. They did a great job and a lot of residents attended. We plan to hold this event every year going forward. Parks and Recreation Director Daniel Stines was the project manager for the construction of the park, and he did a great job. It is not finished yet, but there are only a few finishing details to complete.
- Researching rain barrel programs to see if we can create one for the Town of Harrisburg.
- LED Street Lights – Currently 60% of the Town’s streetlights are LED and we are working with Duke Energy to see how we can get more of them converted over.
- The Christmas Tree Lighting event is coming up in December and we will be getting more information out about that event very soon.
- The December Town Council meeting will be very light due to the transition of Council members following the election. There will be a reception to honor the outgoing members and welcome the new members. We encourage residents and family to attend.

Finance Report:

- Lee Connor, Assistant Town Manager/Finance Director, gave the finance and projects update.

3B.

COMMUNICATIONS

MAYOR’S COMMENTS

- Congratulations to winners of last week’s municipal election – Rodney Dellinger, Ian Patrick, Rick Russo, Ron Smith
- Veterans Day Ceremony at Veterans Park was very well done. Kudos to Daniel Stines and his staff.
- Asked about the status for the 4-way stop on Caldwell Road. Rob Donham stated that he met with DOT representative last Friday and they went out to lay out locations for the signs, stop bars and stop-ahead signs. They have also added a LED flasher to the west bound side stop-ahead sign. Public Works crews will be installing once everything comes in. Expect that to be a couple of weeks.
- Flagpole in Harrisburg Park that was damaged and removed had a plaque on it for the family that donated the flagpole. When we replace that flagpole, we need to replace the plaque as well. Haynes Brigman stated that we would make sure the plaque is replaced.
- NCDOT will be having an audit of their department conducted.

3C.

COMMUNICATIONS

COUNCIL’S COMMENTS

Councilmember Smith

- NCDOT has frozen about 75 projects due to lack of funding. Only projects considered critical are moving forward at this time.
- Veterans Park – the opening ceremony event was very well done.
- Questioned whether we are turning away kids from our athletic programs. Haynes Brigman will get information about this to Council.
- Asked about progress with Capital Nexus. Mr. Brigman stated that they are working to get the 3-acre parcel that will be our collateral surveyed right now.

Mr. Brigman also informed Council that we received notice from NCDOT that along with freezing other projects, they will no longer be paying us to maintain the sections of right-of-ways and such that we currently maintain. We are expected to continue that maintenance and we will do so as it is the right thing to do, but we will not be getting paid for it now.

Councilmember Barfield

- Veterans Park – great event. There is an organization taking donations for homeless veterans if anyone wants to help. They will even come pick up the donations. Contact him for further information.
- Streetlights on Highway 49 - still a lot of them not working.
- Asked about usage report for the electric vehicle charging station. Would like to see cost vs. benefit.

Councilmember Staton-Williams

- Youth Council will meet on November 26th at 6:30 pm. The subject this month will be behavioral health and suicide prevention.

4A.

PUBLIC HEARING

Consider revisions to the previously adopted gross land use density in the Harrisburg Area Land Use Plan (HALUP). Town Council adopted the Harrisburg Area Land Use Plan (HALUP) on June 11, 2018. The HALUP contains future land use map with various categories of land use and densities for residential land uses, namely Very Low Density Residential, Low Density residential, Medium Density Residential and High Density Residential. The commercial, industrial and mixed-use land use categories do not have densities associated with them.

The land use densities described in the HALUP are consistent with industry standards for densities within the respective land use classifications; however, after implementing these standards for several residential development proposals, staff has recognized that these standards may not be completely reflective of the desires of Town Council and our residents.

Because the land use densities described in the HALUP are used as a tool for guiding staff when discussing development interests with property owners and developers, as well as to guide Town Council in their consideration process, it is important that we refine the HALUP to better reflect the density standards desired.

Town Council scheduled a Public Hearing on this matter on October 14 for a November 12, 2019 Public Hearing. Considering the upcoming Unified Development Ordinance (UDO) update, any changes (or not) will be helpful to reflect in the updated UDO and associated zoning categories.

The changes requested to be considered are related ONLY to the number of dwelling units per acre (gross density) allowed in each land use classification (no other map or text revisions are being considered) at this time. Staff recommends the following changes be considered to the existing gross land use densities in the HALUP:

- Very Low Density: remains unchanged to less than 1 unit per acre.
- Low Density: change from "up to 3 units per acre" to "1-2 units per acre"
- Medium Density: change from "3-4 units per acre" to "2-3 units per acre"
- High Density: change from "4-15 units per acre" to "3-10 units per acre"

The Harrisburg Planning and Zoning Board reviewed the proposed changes at their October meeting and made a recommendation to Town Council to adopt the proposed changes offered by Town Staff.

The Public Hearing was opened.

Speaking:

- Bryce Goebel, 6434 Pharr Mill Road, Harrisburg - questions

The Public Hearing was then closed.

After some discussion, the following action was taken:

MOTION:

Mayor Pro-Tem Booth made a motion to approve the revisions to the previously adopted gross land use density in the Harrisburg Area Land Use Plan (HALUP) as proposed. Second was made by Councilmember Staton-Williams.

The motion passed 6-0.

5A.

OLD BUSINESS

Consider addition of a Solicitation Ordinance to the Town Code of Ordinances. Town Council opened this public hearing at the September 2019 Council meeting and subsequently recessed it to the October meeting to make some changes to what was presented to Council. Council closed the public hearing in October 2019 and deferred decision until the November meeting, asking staff to get information from the Cabarrus County Sheriff and District

Attorney related to the criminal enforcement of the ordinance.

Ordinance Review:

Harrisburg and neighboring communities continue to have sporadic issues with solicitors in their neighborhoods. Currently, the Town does not have a solicitation ordinance, so there is little that can be done by the Town and law enforcement to address issues when they arise. This ordinance intends to provide law enforcement officers with the authority to address solicitors and ensure they follow proper guidelines and requirements.

Upon the feedback provided by Town Council during the September 2019 Public Hearing, staff made subsequent changes to address those concerns. The two changes made to the proposed ordinance are as follows:

- Added language to allow exempted organizations to conduct activities beyond fund-raising; to include sales, marketing, or other activities representative of their organization.
- Removed the requirement of a bond being submitted to the Town as part of the solicitation permit.

An additional request was made by a Council member to remove businesses from being covered by the ordinance language for fear that it may restrict normal business practices for some businesses. This edit has not been included in the edits to the document for lack of consensus, but it can be discussed for consideration by the Council. To achieve the edit, a simple removal of the phrase "or businesses" from Section 111.01 (A) is required.

Staff met with the Cabarrus County Sheriff regarding the proposed ordinance and he supports it as written. He has authorized his staff, the Harrisburg Division, to enforce the ordinance on behalf of the Town.

The Town did not receive confirmation from the District Attorney regarding the criminal enforcement of the ordinance; however, we learned that the decision to prosecute the charge criminally would be case dependent, meaning that each case would be viewed individually to determine prosecution. It is unlikely that the Town would pursue this criminal charge as a sole charge, and in unison with the views of the Sheriff's Department, a person being charged criminally with this ordinance violation will also likely be charged with other crimes.

Town staff recommends including the criminal language in the ordinance just as a safe guard if necessary. The NC General Assembly has recently implemented changes to the criminal prosecution of municipal ordinances, and due to the delays associated with the deferral of this ordinance, it may not be enforceable in a criminal way, but staff would still like to pursue that option if it remains available.

After some discussion the following action was taken:

MOTION:

Councilmember Barfield made a motion to approve the addition of a Solicitation Ordinance to the Town Code of Ordinances as proposed. Second was made by Councilmember Staton-Williams. **The motion passed 5-1 (Councilmember Conrad voting against).**

6A.

NEW BUSINESS

Consider FY2020 Budget amendment for Deputy Motorcycle. The Sheriff's Department - Harrisburg Division is asking for funds to purchase a used motorcycle from the Mooresville Police Department for traffic enforcement.

During the budget process, this piece of equipment was requested for replacement, at an estimated cost of \$40,000. Council advised staff to find a cheaper alternative to a new replacement and bring back for consideration.

The Sheriff's Department was able to identify a used motorcycle with the Mooresville Police Department that will fill the needs of the Harrisburg Division.

The motorcycle is a 2011 BMW with 5,108 miles on it. The purchase price of the motorcycle is \$15,000, and we will have to put an additional \$5,000 towards adding a computer, Cabarrus County specific striping, and a new rear tire.

The current motorcycle has reached the end of its useful life and can no longer be used for regular patrol.

After some discussion, the following action was taken:

MOTION:

Mayor Pro-Tem Booth made a motion to approve the FY2020 budget amendments for the purchase of a motorcycle for the Sheriff's Deputies. Second was made by Councilmember Staton-Williams. **The motion passed 6-0.**

6B.

NEW BUSINESS

H2019-01 (S) - Consider Preliminary Plat for the Terraces at Farmington.

This item was removed from the agenda earlier.

7.

ACTION ITEMS

- Get information concerning the Station #2 roofing repair
- Replace damaged flagpole and plaque
- Check on streetlights on Highway 49
- Get information concerning the electric vehicle charging station usage

8.

CLOSED SESSION

MOTION:

Mayor Pro-Tem Booth made a motion to go into Closed Session to consult with an attorney and for personnel matters. Second was made by Councilmember Conrad. **The motion passed 6-0.**

Upon returning from Closed Session, the following action was taken:

MOTION:

Councilmember Russo made a motion to come out of Closed Session and return to regular business. Second was made by Councilmember Smith. **The motion passed 6-0.**

MOTION:

Councilmember Smith made a motion to approve the Town Manager's contract with proposed amendments. Second was made by Mayor Pro-Tem Booth. **The motion passed 6-0.**

9.

ADJOURNMENT

MOTION:

There being no further business, Mayor Pro-Tem Booth made a motion to adjourn the meeting with a second from Councilmember Russo. **The motion passed 6-0. (8:35pm)**

ATTEST:

Janet Rackley, Town Clerk

Steve Sciascia, Mayor



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the November 12, 2019 Closed Session.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the November 12, 2019 Closed Session.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consider the minutes of the November 25, 2019 Special Town Council Meeting.

Presenting Personnel:

Suggested Motion or Action:

Motion to approve the minutes of the November 25, 2019 Special Town Council meeting.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

1. Minutes November 25, 2019

**TOWN OF HARRISBURG, NORTH CAROLINA
SPECIAL TOWN COUNCIL MEETING
MONDAY, NOVEMBER 25, 2019
HARRISBURG TOWN HALL
6:00 PM**

MINUTES

PRESENT: Mayor Steve Sciascia, Mayor Pro-Tem John Booth; Councilmembers Troy Selberg, Diamond Staton-Williams, Benita Conrad, Ron Smith, Rick Russo and Christopher Barfield (via phone)

1.

CALL TO ORDER

Mayor Sciascia called the meeting to order.

2A.

NEW BUSINESS

Set a public hearing for December 9, 2019 to consider amending the rezoning conditions for the Harrisburg Town Center project (H2018-14 (R)).

MOTION:

Mayor Pro-Tem Booth made a motion to set a public hearing for December 9, 2019 to consider amending the rezoning conditions for the Harrisburg Town Center project (H2018-14 (R)). Second was made by Councilmember Selberg. **The motion passed 7-0.**

3.

ADJOURNMENT

MOTION:

There being no further business, Councilmember Selberg made a motion to adjourn the meeting with a second from Mayor Pro-Tem Booth. **The motion passed 7-0.**

Steve Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

To set a public hearing for January 13, 2020 to consider the annexation of parcels associated with Camellia Gardens Subdivision, H2018-08-(R).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

To set a public hearing for January 13, 2020 to consider the annexation of parcels associated with Camellia Gardens Subdivision, H2018-08-(R).

Description/Background:

Town Council approved the rezoning request H2018-08-(R) on Monday, August 12, 2019 for parcels 55170390420000, 55170235250000, 55170347420000, 55170245910000, 55079363640000 & 55079255470000 located on Stallings Road across from Stallings Road Park and Harrisburg Elementary School. The rezoning request H2018-08-(R) was to rezone these parcels from RE, Rural Estate to RV-CZ, Conditional Residential Village.

Since this property is located in the Harrisburg ETJ, the property did not need to be annexed prior to the rezoning, however annexation must be done prior to connecting to Town utility services. The applicant has now completed the ALTA survey of all parcels and the property to be annexed is 89.29 acres.

The Public Hearing is requested for January 13, 2020 to consider the annexation of these parcels within the Town Of Harrisburg corporate limits.

Recommendation:

Staff recommends setting the public hearing to annex the parcels associated with Camellia Gardens H2018-08-(R)

Fiscal Impact:

The annexation has no direct fiscal impact as a result of the annexation itself, however, the result of the development on the annexed properties will both generate additional property tax revenue for the town and add to the costs associated with providing the additional homes with Town services.

Attachments:

1. 2019-10-17 Camellia Gardens Annexation Application
2. 2019-02-21 Camellia Gardens ALTA Survey
3. 2019-10-17 Combined Property Owners Joinder Agreements
4. 2019-10-17 Combined Parcels Surveyed Legal Descriptions
5. RESOLUTION OF PUBLIC HEARING - contiguous
6. Certificate of Sufficiency
7. Rezoning Approval Letter- CamelliaGardens 8.12.19



PETITION REQUESTING ANNEXATION

DATE: October 17, 2019

TO THE TOWN COUNCIL OF THE TOWN OF HARRISBURG

1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the Town of Harrisburg.

2. The area to be annexed is:

☒ CONTIGUOUS

☐ NON-CONTIGUOUS

to the Town of Harrisburg and the boundaries of such territory are:

☒ ATTACHED

☐ DESCRIBED AS FOLLOWS:

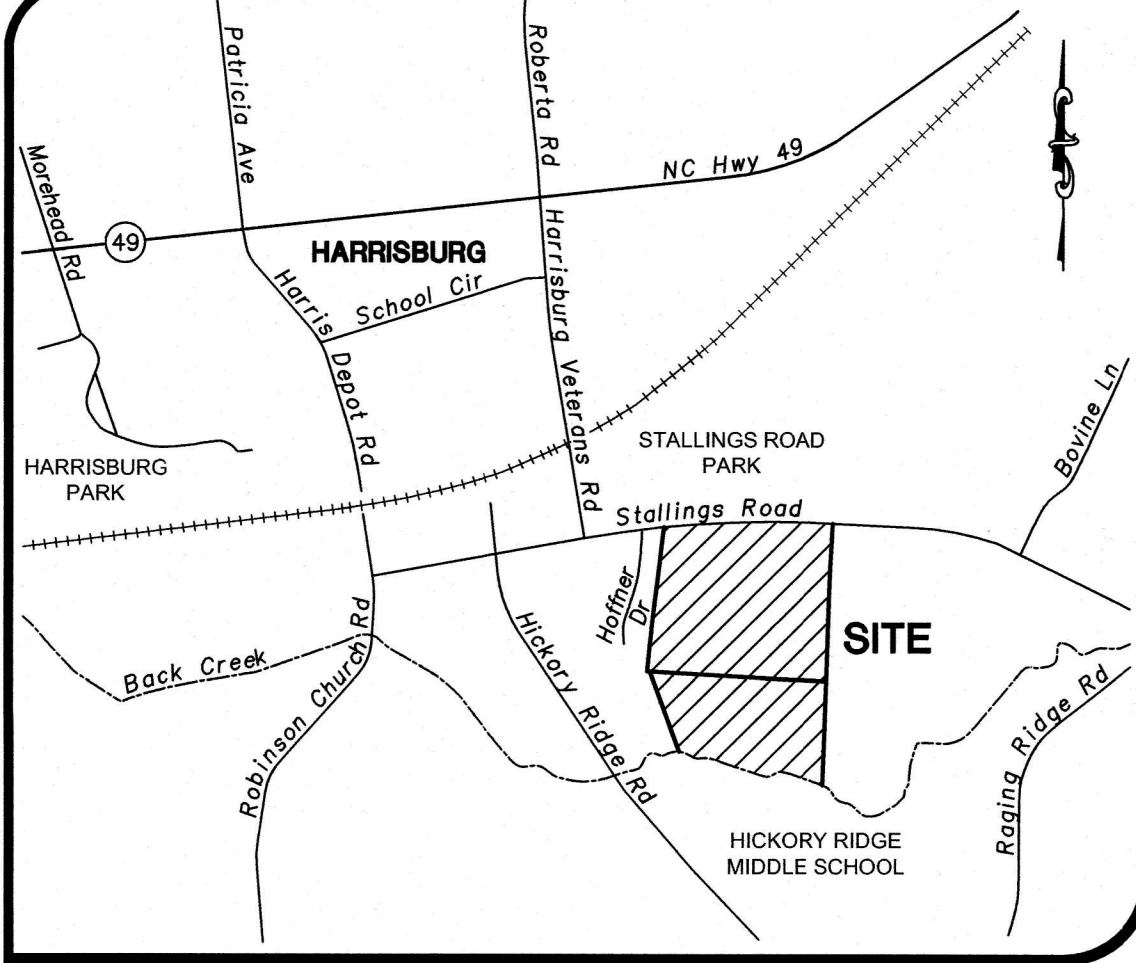
3. A sealed survey is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Harrisburg.

4. SIGNATURE OF OWNERS

NAME

ADDRESS

Attached



VICINITY MAP
NTS

LEGEND

- EXISTING IRON PIPE/REBAR
- IRON PIPE SET
- EXISTING CONCRETE MONUMENT
- CONCRETE MONUMENT SET
- ▲ CALCULATED POINT
- ▲ CALCULATED POINT
- BORE HOLE
- SANITARY SEWER MANHOLE
- SANITARY SEWER CLEANOUT
- GREASE TRAP
- WATER VALVE
- WATER METER
- BACKFLOW PREVENTER
- FIRE HYDRANT
- TELEPHONE PEDESTAL
- TELEPHONE MANHOLE
- GAS METER
- GAS VALVE
- ELECTRIC BOX/METER
- AIR CONDITIONING UNIT
- TRAFFIC SIGNAL BOX
- LIGHT POLE
- POWER POLE WITH GUY ANCHOR
- CURB INLET
- STORM DRAINAGE MANHOLE
- YARD INLET
- FLARED END SECTION
- BOLLARD
- SIGN
- MAILBOX
- TREE LINE
- RAILROAD TRACKS
- GUARD RAIL
- STORM DRAIN
- OVERHEAD UTILITY LINE
- UNDERGROUND ELECTRIC
- UNDERGROUND COMMUNICATIONS LINE
- WATER LINE
- SANITARY SEWER LINE
- GAS LINE
- FENCE LINE
- SURVEYED PROPERTY LINE
- PROPERTY LINE NOT SURVEYED

GENERAL NOTES

- THIS IS A SURVEY OF EXISTING PARCELS OF LAND. THIS IS AN ALTA/NSPS LAND TITLE SURVEY.
- BEARINGS ARE RELATIVE TO NC GRID NORTH NAD 83 (2011).
- ZONING: RE AS PER CABARRUS COUNTY GIS.
- FLOOD NOTE: PORTIONS OF THESE PROPERTIES ARE LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "AE" AS DEFINED BY FEMA F.I.R.M. MAP NO. 3710550700J, DATED 11/5/2008.
- REFERENCES: DEED BOOK 7658, PAGE 126
PARCEL NUMBERS OF SUBJECT PROPERTY: 55079363640000
- UTILITY STATEMENT: THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA. EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- DUE TO LACK OF FIELD EVIDENCE AND POOR DEEDS, THE EXACT LOCATION OF THE EASTERN BOUNDARY LINE, OF MCCACHREN, DEED BOOK 6662, PAGE 277, WAS UNABLE TO BE DETERMINED. A NEW DIVISION LINE IS BEING ESTABLISHED THROUGH DEED BOOK 726, PAGE 331 AND EAST OF THE APPROXIMATE LOCATION OF THE EASTERN BOUNDARY LINE OF DEED BOOK 6662, PAGE 277. OWNERSHIP IS THE SAME FOR BOTH DEEDS AS OF THE DATE OF THIS PLAT.
- WETLAND AREA DELINEATED BY WETLANDS & WATERS, INC. 5-09-18.

CURVE	LENGTH	CHORD	BEARING	CHORD
C1	142.91	236.478	S 87°47'37" W	142.89
C2	201.48	295.443	S 86°13'55" W	191.47
C3	201.48	295.443	N 86°53'21" E	143.33

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 30°00'00" W	0.12	L21	N 22°01'00" E	34.89	L41	N 02°00'00" E	46.79
L2	N 08°56'54" E	16.37	L22	N 05°49'58" E	29.01	L42	N 21°52'52" E	53.25
L3	N 02°00'00" W	38.05	L23	N 33°02'00" E	28.26	L43	N 54°48'33" E	68.98
L4	N 02°00'00" W	28.77	L24	N 84°25'57" E	31.35	L44	N 60°21'49" E	41.17
L5	N 03°07'30" E	36.52	L25	S 58°37'09" E	48.11	L45	N 60°21'49" E	41.17
L6	N 03°07'30" E	27.80	L26	N 88°03'42" E	44.88	L46	S 55°07'24" E	41.87
L7	S 28°47'48" E	37.84	L27	N 86°17'09" E	68.14	L47	S 39°29'52" E	57.70
L8	S 28°47'48" E	37.84	L28	N 86°17'09" E	68.14	L48	S 39°29'52" E	57.70
L9	S 28°47'48" E	37.84	L29	N 86°17'09" E	68.14	L49	S 39°29'52" E	57.70
L10	S 28°47'48" E	37.84	L30	N 86°17'09" E	68.14	L50	S 39°29'52" E	57.70
L11	S 28°47'48" E	37.84	L31	N 86°17'09" E	68.14	L51	S 39°29'52" E	57.70
L12	S 28°47'48" E	37.84	L32	N 86°17'09" E	68.14	L52	S 39°29'52" E	57.70
L13	S 28°47'48" E	37.84	L33	N 86°17'09" E	68.14	L53	S 39°29'52" E	57.70
L14	S 28°47'48" E	37.84	L34	N 86°17'09" E	68.14	L54	S 39°29'52" E	57.70
L15	S 28°47'48" E	37.84	L35	N 86°17'09" E	68.14	L55	S 39°29'52" E	57.70
L16	S 28°47'48" E	37.84	L36	N 86°17'09" E	68.14	L56	S 39°29'52" E	57.70
L17	S 28°47'48" E	37.84	L37	N 86°17'09" E	68.14	L57	S 39°29'52" E	57.70
L18	S 28°47'48" E	37.84	L38	N 86°17'09" E	68.14	L58	S 39°29'52" E	57.70
L19	S 28°47'48" E	37.84	L39	N 86°17'09" E	68.14	L59	S 39°29'52" E	57.70
L20	S 28°47'48" E	37.84	L40	N 86°17'09" E	68.14	L60	S 39°29'52" E	57.70
L21	S 28°47'48" E	37.84	L41	N 86°17'09" E	68.14	L61	S 39°29'52" E	57.70
L22	S 28°47'48" E	37.84	L42	N 86°17'09" E	68.14	L62	S 39°29'52" E	57.70
L23	S 28°47'48" E	37.84	L43	N 86°17'09" E	68.14	L63	S 39°29'52" E	57.70
L24	S 28°47'48" E	37.84	L44	N 86°17'09" E	68.14	L64	S 39°29'52" E	57.70
L25	S 28°47'48" E	37.84	L45	N 86°17'09" E	68.14	L65	S 39°29'52" E	57.70
L26	S 28°47'48" E	37.84	L46	N 86°17'09" E	68.14	L66	S 39°29'52" E	57.70
L27	S 28°47'48" E	37.84	L47	N 86°17'09" E	68.14	L67	S 39°29'52" E	57.70
L28	S 28°47'48" E	37.84	L48	N 86°17'09" E	68.14	L68	S 39°29'52" E	57.70
L29	S 28°47'48" E	37.84	L49	N 86°17'09" E	68.14	L69	S 39°29'52" E	57.70
L30	S 28°47'48" E	37.84	L50	N 86°17'09" E	68.14	L70	S 39°29'52" E	57.70
L31	S 28°47'48" E	37.84	L51	N 86°17'09" E	68.14	L71	S 39°29'52" E	57.70
L32	S 28°47'48" E	37.84	L52	N 86°17'09" E	68.14	L72	S 39°29'52" E	57.70
L33	S 28°47'48" E	37.84	L53	N 86°17'09" E	68.14	L73	S 39°29'52" E	57.70
L34	S 28°47'48" E	37.84	L54	N 86°17'09" E	68.14	L74	S 39°29'52" E	57.70
L35	S 28°47'48" E	37.84	L55	N 86°17'09" E	68.14	L75	S 39°29'52" E	57.70
L36	S 28°47'48" E	37.84	L56	N 86°17'09" E	68.14	L76	S 39°29'52" E	57.70
L37	S 28°47'48" E	37.84	L57	N 86°17'09" E	68.14	L77	S 39°29'52" E	57.70
L38	S 28°47'48" E	37.84	L58	N 86°17'09" E	68.14	L78	S 39°29'52" E	57.70
L39	S 28°47'48" E	37.84	L59	N 86°17'09" E	68.14	L79	S 39°29'52" E	57.70
L40	S 28°47'48" E	37.84	L60	N 86°17'09" E	68.14	L80	S 39°29'52" E	57.70
L41	S 28°47'48" E	37.84	L61	N 86°17'09" E	68.14	L81	S 39°29'52" E	57.70
L42	S 28°47'48" E	37.84	L62	N 86°17'09" E	68.14	L82	S 39°29'52" E	57.70
L43	S 28°47'48" E	37.84	L63	N 86°17'09" E	68.14	L83	S 39°29'52" E	57.70
L44	S 28°47'48" E	37.84	L64	N 86°17'09" E	68.14	L84	S 39°29'52" E	57.70
L45	S 28°47'48" E	37.84	L65	N 86°17'09" E	68.14	L85	S 39°29'52" E	57.70
L46	S 28°47'48" E	37.84	L66	N 86°17'09" E	68.14	L86	S 39°29'52" E	57.70
L47	S 28°47'48" E	37.84	L67	N 86°17'09" E	68.14	L87	S 39°29'52" E	57.70
L48	S 28°47'48" E	37.84	L68	N 86°17'09" E	68.14	L88	S 39°29'52" E	57.70
L49	S 28°47'48" E	37.84	L69	N 86°17'09" E	68.14	L89	S 39°29'52" E	57.70
L50	S 28°47'48" E	37.84	L70	N 86°17'09" E	68.14	L90	S 39°29'52" E	57.70
L51	S 28°47'48" E	37.84	L71	N 86°17'09" E	68.14	L91	S 39°29'52" E	57.70
L52	S 28°47'48" E	37.84	L72	N 86°17'09" E	68.14	L92	S 39°29'52" E	57.70
L53	S 28°47'48" E	37.84	L73	N 86°17'09" E	68.14	L93	S 39°29'52" E	57.70
L54	S 28°47'48" E	37.84	L74	N 86°17'09" E	68.14	L94	S 39°29'52" E	57.70
L55	S 28°47'48" E	37.84	L75	N 86°17'09" E	68.14	L95	S 39°29'52" E	57.70
L56	S 28°47'48" E	37.84	L76	N 86°17'09" E	68.14	L96	S 39°29'52" E	57.70
L57	S 28°47'48" E	37.84	L77	N 86°17'09" E	68.14	L97	S 39°29'52" E	57.70
L58	S 28°47'48" E	37.84	L78	N 86°17'09" E	68.14	L98	S 39°29'52" E	57.70
L59	S 28°47'48" E	37.84	L79	N 86°17'09" E	68.14	L99	S 39°29'52" E	57.70
L60	S 28°47'48" E	37.84	L80	N 86°17'09" E	68.14	L100	S 39°29'52" E	57.70

SEE NOTE 2

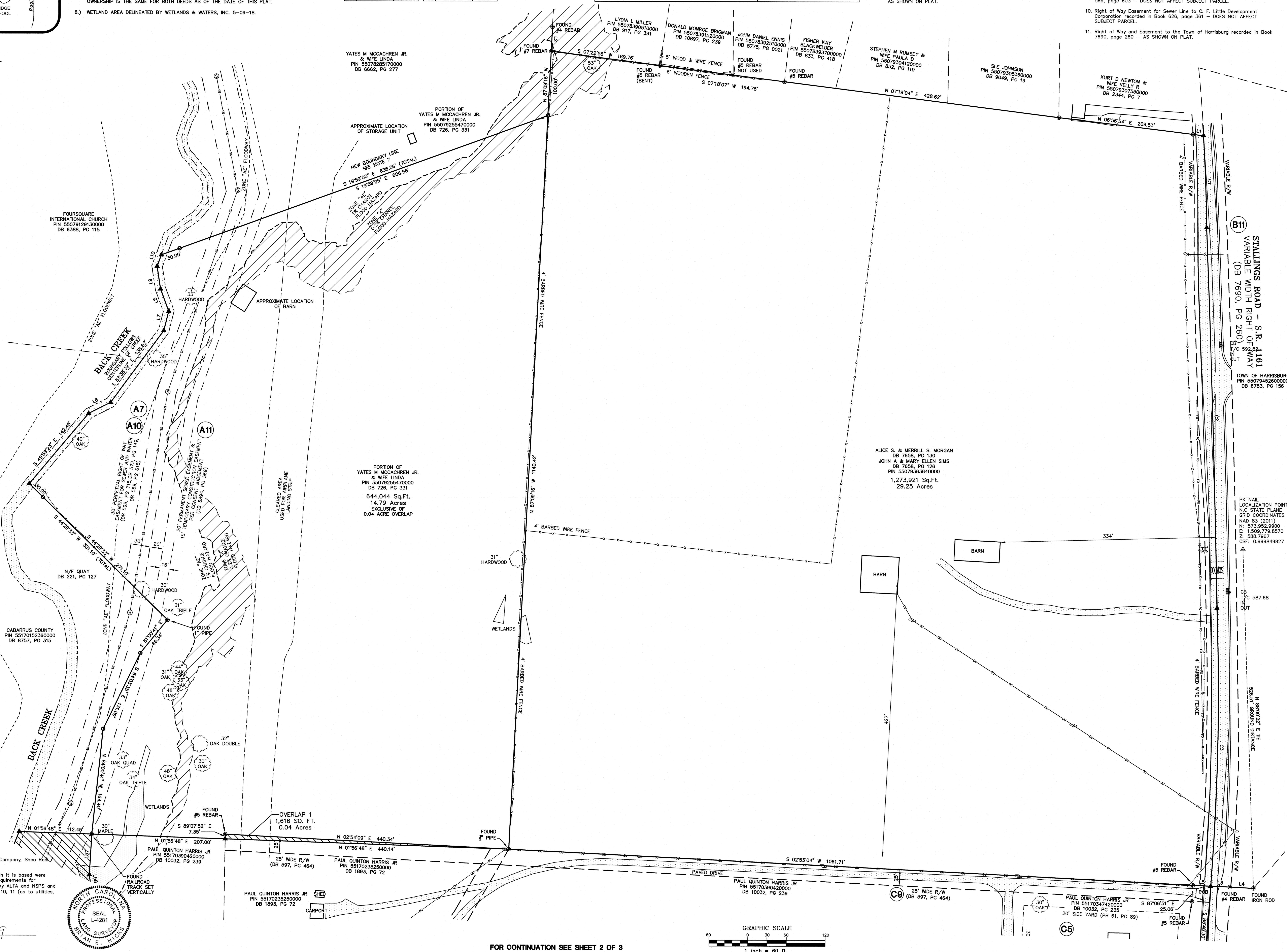
AREA TABLE		
PAUL QUINTON HARRIS JR. PARENT TRACT - EXCLUSIVE OF OVERLAP 2 (DB 304, PG 164) INCLUDING PINS 55170235250000, 55170245910000, 55170390420000, & 55170347420000	1,930,973 SQUARE FEET, 44.33 ACRES	
OVERLAP 1	1,616 SQUARE FEET, 0.04 ACRES	
OVERLAP 2	38,228 SQUARE FEET, 0.88 ACRES	
JOHN A & MARY ELLEN SIMS (DB 7658, PG 126) PIN 55079363640000	1,273,921 SQUARE FEET, 29.25 ACRES	
PORTION OF YATES M MCCACHREN JR. & WIFE LINDA - EXCLUSIVE OF OVERLAP 1 (DB 726, PG 331) PIN 55079255470000	644,044 SQUARE FEET, 14.79 ACRES	

NOTES PERTAINING TO CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 18-097220H EFFECTIVE: JUNE 6, 2018 AT 8:00 AM IN CABARRUS COUNTY SCHEDULE B - SECTION II (EXCEPTIONS)

- Right of Way Grant to the Concord Telephone Company recorded in Book 167, page 374 (STATES POLES CAN BE CONSTRUCTED NO LESS THAN 1' FROM THE RIGHT OF WAY; BLANKET IN NATURE, NOT PLOTTABLE); and Book 333, page 580 (BLANKET IN NATURE, NOT PLOTTABLE).
- Right of Way Easement to Cabarrus County recorded in Book 569, page 618 - AS SHOWN ON PLAT.
- Drainage/Utility Easements to the Department of Transportation recorded in Book 9032, page 319; and Book 10520, page 20 - DOES NOT AFFECT SUBJECT PARCEL.
- Right of Way and Easement to the Town of Harrisburg recorded in Book 6662, page 277 - DOES NOT AFFECT SUBJECT PARCEL.
- Final Judgment on Commissioner's Award recorded in Book 598, page 715, in connection therewith Memorandum of Action recorded in Book 572, page 149 - AS SHOWN ON PLAT.
- Consent Judgment recorded in Book 5894, page 366; in connection therewith Memorandum of Action recorded in Book 5543, page 275 - AS SHOWN ON PLAT.

NOTES PERTAINING TO CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 18-097220H EFFECTIVE: APRIL 25, 2018 AT 8:00 AM IN CABARRUS COUNTY SCHEDULE B - SECTION II (EXCEPTIONS)

- Easement(s) to Duke Power Company recorded in Book 151, page 315 - BLANKET IN NATURE, NOT PLOTTABLE; Book 276, page(s) 473 and 474 - DOES NOT AFFECT SUBJECT PARCEL; Book 292, page 97 - BLANKET IN NATURE, NOT PLOTTABLE; and Book 321, page 583 - BLANKET IN NATURE, NOT PLOTTABLE.
- Right of Way Grant(s) to the Concord Telephone Company, Inc. recorded in Book 187, page(s) 166, 167 and 168 - DOES NOT AFFECT SUBJECT PARCEL; Book 231, page 400 - DOES NOT AFFECT SUBJECT PARCEL; Book 333, page 285 - DOES NOT AFFECT SUBJECT PARCEL; Book 340, page 534 - BLANKET IN NATURE, NOT PLOTTABLE; and Book 427, page 611 - DOES NOT AFFECT SUBJECT PARCEL.
- Grant of Easement to North Carolina Natural Gas Corp., recorded in Book 289, page 159 - DOES NOT AFFECT SUBJECT PROPERTY AS PER CARL YARAB, ASSET PROTECTION SPECIALIST II, PIEDMONT NATURAL GAS COMPANY, DUKE ENERGY; FEBRUARY 20, 2019.
- Right of Way Agreement to the State Highway Commission recorded in Book 314, page 265 - DOES NOT AFFECT SUBJECT PARCEL.
- Right-of-Way Easement to the Town of Harrisburg recorded in Book 569, page 603 - DOES NOT AFFECT SUBJECT PARCEL.
- Right of Way Easement for Sewer Line to C. F. Little Development Corporation recorded in Book 626, page 361 - DOES NOT AFFECT SUBJECT PARCEL.
- Right of Way and Easement to the Town of Harrisburg recorded in Book 7650, page 260 - AS SHOWN ON PLAT.



I, BRIAN E. HICKS, PLS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- CLASS OF SURVEY: CLASS A
- POSITIONAL ACCURACY: < 0.100'
- TYPE OF GPS FIELD PROCEDURE: VRS
- DATE OF SURVEY: 05-15-2018
- DATUM/EPOCH: NAD 83(2011)
- PUBLISHED/FIXED-CONTROL USED: NC49 BASE ARP
- DEOD MODEL: GEOD12A
- COMBINED GRID FACTOR(S): 0.9999840147
- UNITS: METERS CONVERTED TO US SURVEY FEET

This survey is made for the benefit of Chicago Title Insurance Company, Shea Real Estate Investments, LLC.

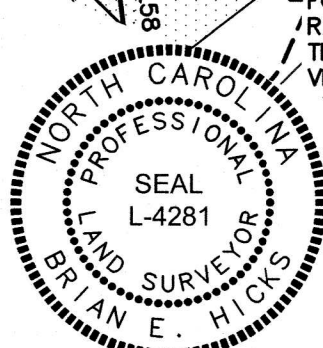
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys jointly established and adopted by ALTA and NSPS and includes items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(c), 8, 9, 10, 11 (as to utilities, surface matters only), 13, 16 & 17 of Table A thereof.

The field work was completed on June 19, 2018.

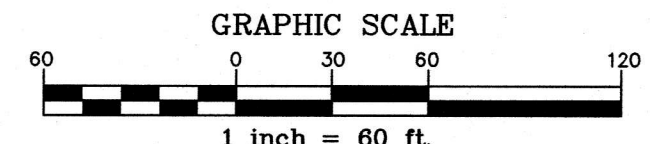
Date of Plat or Map: February, 21, 2019

Brian E. Hicks, PLS L-4281

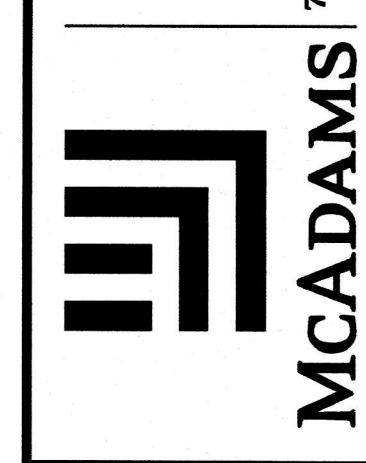
bhicks@McAdamsCo.com



FOR CONTINUATION SEE SHEET 2 OF 3



THE JOHN R. MCADAMS COMPANY, INC.
3408 Tansylvania Way
Charlotte, North Carolina 28277
704.527.0800 • McAdamsCo.com



REVISIONS:
JULY 13, 2018 - SCH. BII EXCEPTIONS & LEGAL DISC.
DECEMBER 11, 2018 - ADDITIONAL BOUNDARY
DECEMBER 21, 2018 - WETLANDS AND LEGAL DISC.

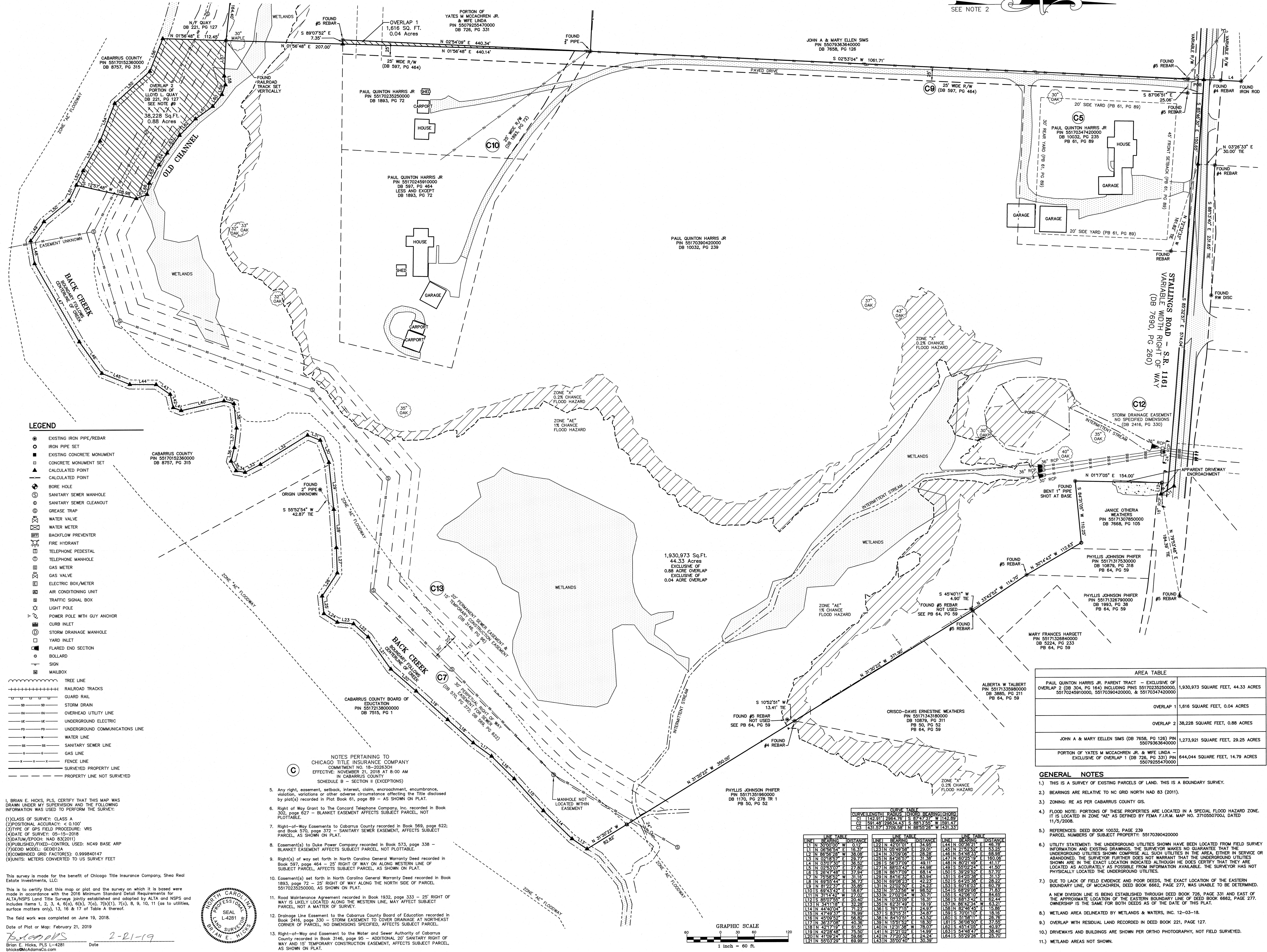
OWNER:
SHEA INVESTMENTS
FUND 4, LLC
8008 CORPORATE CENTER DR.
SUITE 300
CHARLOTTE, NC 28226

PROJECT NO: SHH-18020
FILENAME: SHH18020-AT1
CHECKED BY: BEH
DRAWN BY: CCG
SCALE: 1"=60'
DATE: 2-21-2019
SHEET NO: 1-3

PROJECT NO: SHH-18020
FILENAME: SHH18020-AT1
CHECKED BY: BEH
DRAWN BY: CCG
SCALE: 1"=60'
DATE: 2-21-2019
SHEET NO: 1-3

McAdams

SEE NOTE 2



THE JOHN R. MCADAMS COMPANY, INC.
3408 Turnagain Way
Suite 110
Charlotte, NC 28277
License No. C-0283
704.327.0800 • McAdamsCo.com



REVISIONS:
JULY 13, 2018 - SCH. BII EXCEPTIONS & LEGAL DISC.
DECEMBER 11, 2018 - ADDITIONAL BOUNDARY
DECEMBER 11, 2018 - SCHEDULE BII EXCEPTIONS
DECEMBER 21, 2018 - WETLANDS AND LEGAL DISC.

SHEA INVESTMENTS
FUND 4, LLC
8008 CORPORATE CENTER DR.
SUITE 300
CHARLOTTE, NC 28226

STALLINGS ROAD PROPERTY
3925 STALLINGS RD.
TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA

ALTA/NSPS SURVEY

PROJECT NO.: SHH-18020

FILENAME: SHH18020-AT2

CHECKED BY: BEH

DRAWN BY: CCG

SCALE: 1"=60'

DATE: 2-21-2019

SHEET NO. 2-3

McAdams



REVISIONS:	SCHEMATIC & LEGAL DESC.
JULY 13, 2018	- SCH. BIL. EXCEPTIONS & LEGAL DESC.
DECEMBER 11, 2018	- ADDITIONAL BOUNDARY
DECEMBER 21, 2018	- WETLANDS AND LEGAL DESC.

ONWER:	OFFICE:
SHEA INVESTMENTS FUND 4, LLC 8008 CORPORATE CENTER DR. SUITE 900 CHARLOTTE, NC 28226	

STALLINGS ROAD PROPERTY
4025 STALLINGS RD. & 6931 HICKORY RIDGE RD
TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA
ALTA/NSPS SURVEY

PROJECT NO:	SHH-18020
FILENAME:	SHH18020-ATT1
CHECKED BY:	BEH
DRAWN BY:	CCG
SCALE:	1"=60'
DATE:	2-21-2019
SHEET NO:	3-3
	McAdams



PARCELS 55170390420000, 55170235250000, 55170245910000
& 55170347420000 COMBINED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF: NORTHERN 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 (CCR); THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD; THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, S 85°46'30" E A DISTANCE OF 150.65' TO A CALCULATED POINT; THENCE, S 85°32'57" E A DISTANCE OF 574.04' TO A CALCULATED POINT;

THENCE, S 31°14'42" E A DISTANCE OF 27.02' TO A CALCULATED POINT;

THENCE, N 85°07'55" W A DISTANCE OF 20.40' TO A SET PK NAIL, ON THE WESTERN LINE OF THAT JANICE OTHERRA WEATHERS PARCEL RECORDED IN BOOK 7668, PAGE 105(CCR); THENCE WITH THE WESTERN LINE OF SAID WEATHERS PARCEL, S 01°17'05" W A DISTANCE OF 154.00' TO A FOUND 1" BENT PIPE;

THENCE, WITH THE SOUTHERN LINE OF SAID WEATHERS PARCEL, N 84°31'05" E A DISTANCE OF 110.25' TO A SET 3" PIPE ON THE WESTERN LINE OF THAT RECOMBINATION PLAT FOR THE ERNESTINE WEATHERS DAVIS, ALBERTA W. TALBERT & PHYLLIS JOHNSON PHEFER PROPERTY AS RECORDED IN PLAT BOOK 64, PAGE 59(CCR);

THENCE WITH THE WESTERN LINE OF SAID RECOMBINATION PLAT, ALONG THE REAR LOT LINES OF PARCELS BELONGING TO PHYLLIS JOHNSON PHEFER, MARY FRANCES HARGETT, ALBERTA W. TALBERT & CRISO-DAVIS ERNESTINE WEATHERS, THE FOLLOWING THREE (3) COURSES:
1. S 30°14'43" E A DISTANCE OF 112.63' TO A FOUND #5 REBAR;
2. S 33°42'52" E A DISTANCE OF 114.70' TO A FOUND #5 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS LOCATED S 45°40'11" W, 4.90' FROM THIS CORNER);
3. S 31°30'22" E A DISTANCE OF 371.90' TO A FOUND #4 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS LOCATED S 10°52'51" W, 13.41' FROM THIS CORNER) ON THE WESTERN LINE OF THAT PHYLLIS JOHNSON PHEFER PARCEL RECORDED IN PLAT BOOK 50, PAGE 52;

THENCE, WITH THE WESTERN LINE OF SAID PHEFER PARCEL, THE FOLLOWING TWO (2) COURSES:
1. S 31°30'22" E A DISTANCE OF 350.00' TO A SET 1" PIPE;
2. S 31°30'22" E A DISTANCE OF 82.82' TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH THE CENTERLINE OF SAID BACK CREEK, THE FOLLOWING FORTY-FOUR(44) COURSES:

1. S 34°11'18" W A DISTANCE OF 32.28' TO A CALCULATED POINT;
2. S 44°40'04" W A DISTANCE OF 71.23' TO A CALCULATED POINT;
3. S 47°49'37" W A DISTANCE OF 76.99' TO A CALCULATED POINT;
4. S 45°09'52" W A DISTANCE OF 56.82' TO A CALCULATED POINT;
5. S 38°37'08" W A DISTANCE OF 40.36' TO A CALCULATED POINT;
6. S 42°17'19" W A DISTANCE OF 61.51' TO A CALCULATED POINT;
7. S 42°28'48" W A DISTANCE OF 75.50' TO A CALCULATED POINT;
8. S 41°09'24" W A DISTANCE OF 59.66' TO A CALCULATED POINT;
9. S 55°03'29" W A DISTANCE OF 69.99' TO A CALCULATED POINT;
10. S 42°01'01" W A DISTANCE OF 34.95' TO A CALCULATED POINT;
11. S 05°49'10" W A DISTANCE OF 98.52' TO A CALCULATED POINT;
12. S 33°09'06" W A DISTANCE OF 28.28' TO A CALCULATED POINT;
13. S 84°26'57" W A DISTANCE OF 31.38' TO A CALCULATED POINT;
14. N 56°37'09" W A DISTANCE OF 49.11' TO A CALCULATED POINT;
15. S 88°03'42" W A DISTANCE OF 44.98' TO A CALCULATED POINT;
16. S 86°17'09" W A DISTANCE OF 68.14' TO A CALCULATED POINT;
17. S 84°16'32" W A DISTANCE OF 83.94' TO A CALCULATED POINT;
18. S 69°08'23" W A DISTANCE OF 42.23' TO A CALCULATED POINT;
19. S 22°02'50" W A DISTANCE OF 24.23' TO A CALCULATED POINT;
20. S 31°33'56" E A DISTANCE OF 98.52' TO A CALCULATED POINT;
21. S 27°02'04" E A DISTANCE OF 30.71' TO A CALCULATED POINT;
22. S 10°33'09" W A DISTANCE OF 16.31' TO A CALCULATED POINT;
23. S 62°31'49" W A DISTANCE OF 19.19' TO A CALCULATED POINT;
24. N 76°17'15" W A DISTANCE OF 24.97' TO A CALCULATED POINT;
25. N 83°15'31" W A DISTANCE OF 34.87' TO A CALCULATED POINT;
26. S 84°10'51" W A DISTANCE OF 43.52' TO A CALCULATED POINT;
27. S 15°51'52" W A DISTANCE OF 18.30' TO A CALCULATED POINT;
28. S 12°31'38" E A DISTANCE OF 78.07' TO A CALCULATED POINT;
29. S 21°21'02" W A DISTANCE OF 14.99' TO A CALCULATED POINT;
30. S 77°20'32" W A DISTANCE OF 24.24' TO A CALCULATED POINT;
31. S 35°00'40" W A DISTANCE OF 30.39' TO A CALCULATED POINT;
32. S 00°36'21" W A DISTANCE OF 46.78' TO A CALCULATED POINT;
33. S 21°52'52" W A DISTANCE OF 53.25' TO A CALCULATED POINT;
34. S 54°48'33" W A DISTANCE OF 68.98' TO A CALCULATED POINT;
35. S 60°25'19" W A DISTANCE OF 160.06' TO A CALCULATED POINT;
36. S 80°21'49" W A DISTANCE OF 41.17' TO A CALCULATED POINT;
37. N 55°02'24" W A DISTANCE OF 41.50' TO A CALCULATED POINT;
38. N 39°29'52" W A DISTANCE OF 57.70' TO A CALCULATED POINT;
39. N 64°25'38" W A DISTANCE OF 31.13' TO A CALCULATED POINT;
40. N 64°25'38" W A DISTANCE OF 28.22' TO A CALCULATED POINT;
41. N 60°16'03" W A DISTANCE OF 60.79' TO A CALCULATED POINT;
42. N 68°29'08" W A DISTANCE OF 71.83' TO A CALCULATED POINT;
43. N 42°06'10" W A DISTANCE OF 84.65' TO A CALCULATED POINT;
44. N 68°13'42" W A DISTANCE OF 62.44' TO A CALCULATED POINT ON THE EASTERN LINE OF THAT PARCEL, NOW OR FORMERLY TITLED TO QUAY, RECORDED IN BOOK 221, PAGE 127(CCR);

THENCE, WITH THE WESTERN LINE OF SAID QUAY PARCEL, N 01°56'48" E A DISTANCE OF 112.45' TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH THE EASTERN LINE OF SAID MCCACHREN PARCEL THE FOLLOWING TWO (2) COURSES:
1. N 01°56'48" E A DISTANCE OF 207.00' TO A CALCULATED POINT ON THE LINE OF THAT PAUL QUINTON HARRIS JR. PARCEL, RECORDED IN BOOK 1893, PAGE 72(CCR);
2. N 01°56'48" E A DISTANCE OF 440.14' TO A FOUND 3" PIPE ON THE EASTERN LINE OF THAT JOHN A & MARY ELLEN SIMS PARCEL, RECORDED IN BOOK 7658, PAGE 126 (CCR);

THENCE, WITH SAID SIMS PARCEL, THE FOLLOWING TWO (2) COURSES:
1. N 02°53'04" E A DISTANCE OF 1061.71' TO A FOUND #5 REBAR;
2. N 02°53'07" E A DISTANCE OF 27.80' TO THE POINT OF BEGINNING.

PARCELS 55079255470000 & 55079363640000
COMBINED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF: NORTHERN 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 (CCR); THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD; THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 3" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL, RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN EASTERN LINE, SOUTH 01°56'48" WEST, 647.14 FEET TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE WESTERN LINE OF THAT PAUL QUINTON HARRIS JR. PARCEL RECORDED IN BOOK 10032, PAGE 239 (CCR);

THENCE WITH THE NORTHERN LINE OF THAT N/F QUAY PARCEL RECORDED IN BOOK 221, PAGE 127 (CCR) THE FOLLOWING FIVE (5) COURSES:

1. NORTH 84°00'41" WEST, 164.40 FEET TO A SET IRON PIPE;
2. NORTH 84°03'35" WEST, 131.09 FEET TO A SET IRON PIPE;
3. NORTH 81°00'41" WEST, 66.34 FEET TO A FOUND 1" PIPE;
4. SOUTH 44°29'33" WEST, 271.10 FEET TO A SET IRON PIPE;
5. SOUTH 44°29'33" WEST, 30.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH SAID CENTERLINE OF BACK CREEK THE FOLLOWING SEVEN (7) COURSES:

1. NORTH 49°58'23" WEST, 142.46 FEET TO A CALCULATED POINT;
2. NORTH 26°47'48" WEST, 37.94 FEET TO A CALCULATED POINT;
3. NORTH 53°38'32" WEST, 136.62 FEET TO A CALCULATED POINT;
4. NORTH 75°58'52" WEST, 31.16 FEET TO A CALCULATED POINT;
5. SOUTH 69°55'44" WEST, 36.73 FEET TO A CALCULATED POINT;
6. SOUTH 81°22'37" WEST, 35.85 FEET TO A CALCULATED POINT;
7. NORTH 69°43'42" WEST, 18.67 FEET TO A CALCULATED POINT;

THENCE, LEAVING SAID CENTERLINE OF BACK CREEK AND WITH A PROPOSED NEW LINE, THE FOLLOWING TWO (2) COURSES:

1. NORTH 19°59'05" WEST, 30.00 FEET TO A SET IRON PIPE;
2. NORTH 19°59'05" WEST, 606.56 FEET TO A SET IRON PIPE ON THE NORTHERN LINE OF THE AFOREMENTIONED PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN LINE, NORTH 87°09'16" WEST, 100.00 FEET TO A FOUND #7 REBAR BEING THE SOUTHEASTERN CORNER OF THAT CEDAR FIELDS SUBDIVISION RECORDED IN MAP BOOK 23, PAGE 53(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

1. NORTH 07°22'56" EAST, 169.76 FEET TO A FOUND BENT #5 REBAR A COMMON CORNER BETWEEN THAT LYDIA MILLER PARCEL RECORDED IN BOOK 917, PAGE 391(CCR) AND THAT DONALD BRIGMAN PARCEL RECORDED IN BOOK 10897, PAGE 239(CCR);
2. NORTH 07°18'07" EAST, 194.76 FEET TO A FOUND #5 REBAR TO A COMMON CORNER OF THAT JOHN DANIEL ENNIS PARCEL RECORDED IN BOOK 5775, PAGE 0021(CCR) AND THAT FISHER KAY BLACKWELDER PARCEL RECORDED IN BOOK 833, PAGE 418(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION THEN WITH THAT SLE JOHNSON PARCEL RECORDED IN BOOK 9049, PAGE 190 (CCR), NORTH 07°18'04" EAST, 428.82 FEET TO A FOUND #5 REBAR ON THE EASTERN LINE OF THAT KURT D NEWTON & WEE KELLY R PARCEL RECORDED IN BOOK 2344, PAGE 7;

THENCE, WITH SAID NEWTON PARCEL, NORTH 06°56'54" EAST, 209.53 FEET TO A SET IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STALLINGS ROAD;

THENCE, NORTH 06°56'54" EAST, 16.37 FEET TO A CALCULATED POINT IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE CONTINUING IN THE RIGHT OF WAY OF STALLINGS ROAD, THE FOLLOWING THREE (3) COURSES:

1. WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 142.91 FEET, A RADIUS OF 2964.76 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 87°47'37" EAST 142.89 FEET;
2. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 591.48 FEET, A RADIUS OF 29634.43 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 88°13'55" EAST 591.47 FEET;
3. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 431.57 FEET, A RADIUS OF 3709.58 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 88°55'26" EAST 431.33 FEET;

TO THE POINT OF BEGINNING, CONTAINING 1,917,965 SQUARE FEET, 44.03 ACRES, MORE OR LESS.

THE ABOVE DESCRIPTION INCLUDES AN OVERLAP AREA OF 1,616 SQ. FT. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEASTERN CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 3" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, SOUTH 02°54'09" WEST, 440.34 FEET TO A FOUND #5 REBAR; THENCE, SOUTH 89°07'52" EAST, 7.35 FEET TO A CALCULATED POINT; THENCE, NORTH 01°56'48" EAST, 440.14 FEET TO THE POINT OF BEGINNING.

PARCEL 55079363640000 LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND NORTH OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331 OF THE CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR), SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF: NORTHERN 573,952.990, EASTING: 1,509,779.857, NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 (CCR); THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD; THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 3" PIPE ON THE NORTHERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN NORTHERN LINE, NORTH 87°09'16" WEST, 1140.42 FEET TO A SET IRON PIPE ON THE NORTHERN END OF A PROPOSED NEW LINE SUBDIVIDING SAID MCCACHREN PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN LINE, NORTH 87°09'16" WEST, 100.00 FEET TO A FOUND #7 REBARBEING THE SOUTHEASTERN CORNER OF THAT CEDAR FIELDS SUBDIVISION RECORDED IN MAP BOOK 23, PAGE 53(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

1. NORTH 07°22'56" EAST, 169.76 FEET TO A FOUND BENT #5 REBAR A COMMON CORNER BETWEEN THAT LYDIA MILLER PARCEL RECORDED IN BOOK 917, PAGE 391(CCR) AND THAT DONALD BRIGMAN PARCEL RECORDED IN BOOK 10897, PAGE 239(CCR);
2. NORTH 07°18'07" EAST, 194.76 FEET TO A FOUND #5 REBAR TO A COMMON CORNER OF THAT JOHN DANIEL ENNIS PARCEL RECORDED IN BOOK 5775, PAGE 0021(CCR) AND THAT FISHER KAY BLACKWELDER PARCEL RECORDED IN BOOK 833, PAGE 418(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION THEN WITH THAT SLE JOHNSON PARCEL RECORDED IN BOOK 9049, PAGE 190 (CCR), NORTH 07°18'04" EAST, 428.82 FEET TO A FOUND #5 REBAR ON THE EASTERN LINE OF THAT KURT D NEWTON & WEE KELLY R PARCEL RECORDED IN BOOK 2344, PAGE 7;

THENCE, WITH SAID NEWTON PARCEL, NORTH 06°56'54" EAST, 209.53 FEET TO A SET IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STALLINGS ROAD;

THENCE, NORTH 06°56'54" EAST, 16.37 FEET TO A CALCULATED POINT IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE CONTINUING IN THE RIGHT OF WAY OF STALLINGS ROAD, THE FOLLOWING THREE (3) COURSES:

1. WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 142.91 FEET, A RADIUS OF 2964.76 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 87°47'37" EAST 142.89 FEET;
2. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 591.48 FEET, A RADIUS OF 29634.43 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 88°13'55" EAST 591.47 FEET;
3. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 431.57 FEET, A RADIUS OF 3709.58 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 88°55'26" EAST 431.33 FEET;

TO THE POINT OF BEGINNING, CONTAINING 1273921 SQUARE FEET, 29.245 ACRES, MORE OR LESS.

PARCEL 55079255470000 LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF THAT JOHN A & MARY ELLEN SIMS PARCEL RECORDED IN BOOK 7658, PAGE 126 OF THE CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR), AND NORTH OF BACK CREEK, AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF: NORTHERN 573,952.990, EASTING: 1,509,779.857, NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 (CCR); THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD; THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT;

THENCE, SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 3" PIPE ON THE SOUTHERN LINE OF THAT JOHN A & MARY ELLEN SIMS PARCEL RECORDED IN BOOK 726, PAGE 331 (CCR) AND BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A COUNTERCLOCKWISE DIRECTION WITH SAID SIMS SOUTHERN LINE, NORTH 87°09'16" WEST, 1140.42 FEET TO A SET IRON PIPE ON THE NORTHERN END OF A PROPOSED NEW LINE; THENCE, WITH SAID PROPOSED NEW LINE, THE FOLLOWING TWO (2) COURSES:
1. SOUTH 19°59'05" EAST, 606.56 FEET TO A SET IRON PIPE;
2. SOUTH 19°59'05" EAST, 30.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH SAID CENTERLINE OF BACK CREEK THE FOLLOWING SEVEN (7) COURSES:

1. SOUTH 69°43'42" EAST, 18.67 FEET TO A CALCULATED POINT;
2. NORTH 81°22'37" EAST, 35.85 FEET TO A CALCULATED POINT;
3. NORTH 69°55'44" EAST, 36.73 FEET TO A CALCULATED POINT;
4. SOUTH 75°58'52" EAST, 31.16 FEET TO A CALCULATED POINT;
5. SOUTH 63°36'32" EAST, 136.62 FEET TO A CALCULATED POINT;
6. SOUTH 26°47'48" EAST, 37.94 FEET TO A CALCULATED POINT;
7. SOUTH 49°58'23" EAST, 142.46 FEET TO A CALCULATED POINT

THENCE, LEAVING SAID CENTERLINE OF BACK CREEK WITH THE WESTERN LINE OF THAT N/F QUAY PARCEL RECORDED IN BOOK 221, PAGE 127 (CCR) THE FOLLOWING FIVE (5) COURSES:

1. NORTH 44°29'33" EAST, 30.00 FEET TO A SET IRON PIPE;
2. NORTH 44°29'33" EAST, 271.10 FEET TO A FOUND 1" PIPE;
3. SOUTH 81°00'41" EAST, 66.34 FEET;
4. SOUTH 84°03'35" EAST, 131.09 FEET;
5. SOUTH 84°00'41" EAST, 164.40 FEET TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE WESTERN LINE OF THAT PAUL QUINTON HARRIS JR PARCEL RECORDED IN BOOK 10032, PAGE 239 (CCR);

THENCE, NORTH 01°56'48" EAST, 647.14 FEET TO THE POINT OF BEGINNING, CONTAINING 644044 SQUARE FEET, 14.785 ACRES, MORE OR LESS, AS SHOWN ON THAT "STALLINGS ROAD PROPERTY ALTA/NSPS SURVEY PREPARED BY MCADAMS, DATED JULY XX, 2018, SIGNED BY BRIAN E. HICKS, NC PLS L-4281;

THE ABOVE DESCRIPTION INCLUDES AN OVERLAP AREA OF 1,616 SQ. FT. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A FOUND 3" PIPE, BEING THE NORTHEASTERN CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE, SOUTH 02°54'09" WEST, 440.34 FEET TO A FOUND #5 REBAR; THENCE, SOUTH 89°07'52" EAST, 7.35 FEET TO A CALCULATED POINT; THENCE, NORTH 01°56'48" EAST, 440.14 FEET TO THE POINT OF BEGINNING.

ANNEXATION – PETITIONER JOINDER AGREEMENT:

Owner: Paul Quinton Harris, Jr. and Patricia D. Harris

Address: Site 1 – 3925 Stallings Road, Harrisburg, North Carolina 28075
Site 2 – 3847 Stallings Road, Harrisburg, North Carolina 28075
Site 3 – 3923 Stallings Road, Harrisburg, North Carolina 28075
Site 4 – 3975 Stallings Road, Harrisburg, North Carolina 28075

Tax Parcel ID: Site 1 – 55170347420000
Site 2 – 55170390420000
Site 3 – 55170235250000
Site 4 – 55170245910000

Acreage: Site 1 – 2.00 acres
Site 2 – 35.50 acres
Site 3 – 1.73 acres
Site 4 – 2.08 acres

The undersigned, as owner of these parcels of land located at the physical addresses identified above in Cabarrus County, North Carolina that are designated as Parcel Identification Numbers identified above and which is the subject of the attached Annexation Application, hereby join and give permission to Shea Homes to request and file this Application with the Town of Harrisburg, North Carolina.

This 9th day of October, 2019.

Owner's Name (printed): Paul Quinton Harris Jr.
Paul Quinton Harris, Jr.

Owner's Name (signature): Patricia D. Harris
Patricia D. Harris

ANNEXATION – PETITIONER JOINDER AGREEMENT:

Owner: Rodney D. Harris and Beth L. Harris
Address: 3847 Stallings Road, Harrisburg, North Carolina 28075
Tax Parcel ID: 55170390420000
Acreage: 35.50 acres

The undersigned, as owner of this parcel of land located at the physical address identified above in Cabarrus County, North Carolina that are designated as Parcel Identification Number identified above and which is the subject of the attached Annexation Application, hereby join and give permission to Shea Homes to request and file this Application with the Town of Harrisburg, North Carolina.

This 9th day of October, 2019.

Owner's Name (printed):

Rodney D Harris
Rodney D. Harris

Owner's Name (signature):

Beth L. Harris
Beth L. Harris

ANNEXATION – PETITIONER JOINDER AGREEMENT:

Owner: Yates M. McCachren, Jr. and Linda McCachren
Address: 6931 Hickory Ridge Road, Harrisburg, North Carolina 28075
Tax Parcel ID: 55079255470000
Acreage: 14.79 acres

The undersigned, as owner of this parcel of land located at the physical address identified above in Cabarrus County, North Carolina that are designated as Parcel Identification Number identified above and which is the subject of the attached Annexation Application, hereby join and give permission to Shea Homes to request and file this Application with the Town of Harrisburg, North Carolina.

This 12 day of OCTOBER 2019
Day Month

Owner's Name (printed): YATES M. MCCACHREN, JR

Owner's Name (signature): Yates M. McCachren

Owner's Name (printed): LINDA T. MCCACHREN

Owner's Name (signature): Linda T. McCachren

ANNEXATION – PETITIONER JOINDER AGREEMENT:

Owner: John A. Sims and Mary Ellen Sims
Address: 4025 Stallings Road, Harrisburg, North Carolina 28075
Tax Parcel ID: 55079363640000
Acreage: 29.21 acres

The undersigned, as owner of this parcel of land located at the physical address identified above in Cabarrus County, North Carolina that are designated as Parcel Identification Number identified above and which is the subject of the attached Annexation Application, hereby join and give permission to Shea Homes to request and file this Application with the Town of Harrisburg, North Carolina.

This 9th day of October, 2019.

Owner's Name (printed): John A. Sims
John A. Sims

Owner's Name (signature): Mary Ellen Sims
Mary Ellen Sims

ANNEXATION – PETITIONER JOINDER AGREEMENT:

Owner: Alice S. Morgan and Merrill S. Morgan
Address: 4025 Stallings Road, Harrisburg, North Carolina 28075
Tax Parcel ID: 55079363640000
Acreage: 29.21 acres

The undersigned, as owner of this parcel of land located at the physical address identified above in Cabarrus County, North Carolina that are designated as Parcel Identification Number identified above and which is the subject of the attached Annexation Application, hereby join and give permission to Shea Homes to request and file this Application with the Town of Harrisburg, North Carolina.

This 11th day of October, 2019.

Owner's Name (printed): Alice S. Morgan
Alice S. Morgan
Owner's Name (signature): Merrill Morgan
Merrill S. Morgan

PARCELS 55170390420000, 55170235250000, 55170245910000 & 55170347420000

COMBINED PARCELS SURVEYED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF, NORTHING 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR);

THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, S 85°46'30" E A DISTANCE OF 150.65' TO A CALCULATED POINT;

THENCE, S 85°32'57" E A DISTANCE OF 574.04' TO A CALCULATED POINT;

THENCE, S 31°14'42" E A DISTANCE OF 27.02' TO A CALCULATED POINT;

THENCE, N 85°07'55" W A DISTANCE OF 20.40' TO A SET PK NAIL, ON THE WESTERN LINE OF THAT JANICE OTHERIA WEATHERS PARCEL RECORDED IN BOOK 7668, PAGE 105(CCR);

THENCE WITH THE WESTERN LINE OF SAID WEATHERS PARCEL, S 01°17'05" W A DISTANCE OF 154.00' TO A FOUND 1" BENT PIPE;

THENCE, WITH THE SOUTHERN LINE OF SAID WEATHERS PARCEL, N 84°31'05" E A DISTANCE OF 110.25' TO A SET 1/2" PIPE ON THE WESTERN LINE OF THAT RECOMBINATION PLAT FOR THE ERNESTINE WEATHERS DAVIS, ALBERTA W. TALBERT & PHYLLIS JOHNSON PHIFER PROPERTY AS RECORDED IN PLAT BOOK 64, PAGE 59(CCR);

THENCE WITH THE WESTERN LINE OF SAID RECOMBINATION PLAT, ALONG THE REAR LOT LINES OF PARCELS BELONGING TO PHYLLIS JOHNSON PHIFER, MARY FRANCES HARGETT, ALBERTA W TALBERT & CRISCO-DAVIS ERNESTINE WEATHERS, THE FOLLOWING THREE (3) COURSES:

1. S 30°14'43" E A DISTANCE OF 112.63' TO A FOUND #5 REBAR;
2. S 33°42'52" E A DISTANCE OF 114.70' TO A FOUND #5 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS LOCATED S 45°40'11" W, 4.90' FROM THIS CORNER);
3. S 31°30'22" E A DISTANCE OF 371.90' TO A FOUND #4 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS

LOCATED S 10°52'51" W, 13.41' FROM THIS CORNER) ON THE WESTERN LINE OF THAT PHYLLIS JOHNSON PHIFER PARCEL RECORDED IN PLAT BOOK 50, PAGE 52;

THENCE, WITH THE WESTERN LINE OF SAID PHIFER PARCEL, THE FOLLOWING TWO (2) COURSES:

1. S 31°30'22" E A DISTANCE OF 350.00' TO A SET 1/2" PIPE;
2. S 31°30'22" E A DISTANCE OF 82.82' TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH THE CENTERLINE OF SAID BACK CREEK, THE FOLLOWING FORTY-FOUR(44) COURSES:

1. S 34°11'18" W A DISTANCE OF 32.28' TO A CALCULATED POINT;
2. S 44°40'04" W A DISTANCE OF 71.23' TO A CALCULATED POINT;
3. S 47°49'37" W A DISTANCE OF 76.99' TO A CALCULATED POINT;
4. S 45°09'52" W A DISTANCE OF 56.82' TO A CALCULATED POINT;
5. S 36°37'08" W A DISTANCE OF 40.36' TO A CALCULATED POINT;
6. S 42°17'19" W A DISTANCE OF 61.51' TO A CALCULATED POINT;
7. S 42°28'48" W A DISTANCE OF 75.50' TO A CALCULATED POINT;
8. S 41°09'24" W A DISTANCE OF 59.66' TO A CALCULATED POINT;
9. S 55°03'29" W A DISTANCE OF 69.99' TO A CALCULATED POINT;
10. S 42°01'01" W A DISTANCE OF 34.95' TO A CALCULATED POINT;
11. S 05°49'58" W A DISTANCE OF 29.01' TO A CALCULATED POINT;
12. S 33°09'06" W A DISTANCE OF 28.28' TO A CALCULATED POINT;
13. S 84°26'57" W A DISTANCE OF 31.38' TO A CALCULATED POINT;
14. N 56°37'09" W A DISTANCE OF 49.11' TO A CALCULATED POINT;
15. S 88°03'42" W A DISTANCE OF 44.98' TO A CALCULATED POINT;
16. S 86°17'09" W A DISTANCE OF 68.14' TO A CALCULATED POINT;
17. S 84°16'32" W A DISTANCE OF 83.94' TO A CALCULATED POINT;
18. S 69°08'23" W A DISTANCE OF 42.23' TO A CALCULATED POINT;
19. S 22°02'50" W A DISTANCE OF 24.23' TO A CALCULATED POINT;
20. S 31°33'56" E A DISTANCE OF 98.52' TO A CALCULATED POINT;
21. S 27°02'04" E A DISTANCE OF 30.71' TO A CALCULATED POINT;
22. S 10°33'09" W A DISTANCE OF 16.31' TO A CALCULATED POINT;
23. S 62°31'49" W A DISTANCE OF 19.19' TO A CALCULATED POINT;
24. N 76°17'15" W A DISTANCE OF 24.97' TO A CALCULATED POINT;
25. N 83°15'31" W A DISTANCE OF 34.87' TO A CALCULATED POINT;
26. S 84°10'51" W A DISTANCE OF 43.52' TO A CALCULATED POINT;
27. S 15°51'52" W A DISTANCE OF 18.30' TO A CALCULATED POINT;
28. S 12°31'38" E A DISTANCE OF 78.07' TO A CALCULATED POINT;
29. S 21°21'02" W A DISTANCE OF 14.99' TO A CALCULATED POINT;
30. S 77°20'32" W A DISTANCE OF 24.24' TO A CALCULATED POINT;
31. S 35°00'40" W A DISTANCE OF 30.39' TO A CALCULATED POINT;
32. S 00°36'21" W A DISTANCE OF 46.78' TO A CALCULATED POINT;
33. S 21°52'52" W A DISTANCE OF 53.25' TO A CALCULATED POINT;
34. S 54°48'33" W A DISTANCE OF 68.98' TO A CALCULATED POINT;
35. S 60°25'19" W A DISTANCE OF 160.06' TO A CALCULATED POINT;

36. S 80°21'49" W A DISTANCE OF 41.17' TO A CALCULATED POINT;
37. N 55°02'24" W A DISTANCE OF 41.50' TO A CALCULATED POINT;
38. N 39°29'52" W A DISTANCE OF 57.70' TO A CALCULATED POINT;
39. N 64°25'38" W A DISTANCE OF 31.13' TO A CALCULATED POINT;
40. N 64°25'38" W A DISTANCE OF 28.22' TO A CALCULATED POINT;
41. N 60°16'03" W A DISTANCE OF 60.79' TO A CALCULATED POINT;
42. N 68°29'08" W A DISTANCE OF 71.83' TO A CALCULATED POINT;
43. N 42°06'10" W A DISTANCE OF 84.65' TO A CALCULATED POINT;
44. N 68°13'42" W A DISTANCE OF 62.44' TO A CALCULATED POINT ON THE EASTERN LINE OF THAT PARCEL, NOW OR FORMERLY TITLED TO QUAY, RECORDED IN BOOK 221, PAGE 127(CCR);

THENCE, WITH THE WESTERN LINE OF SAID QUAY PARCEL, N 01°56'48" E A DISTANCE OF 112.45' TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH THE EASTERN LINE OF SAID MCCACHREN PARCEL THE FOLLOWING TWO (2) COURSES:

1. N 01°56'48" E A DISTANCE OF 207.00' TO A CALCULATED POINT ON THE LINE OF THAT PAUL QUINTON HARRIS JR. PARCEL RECORDED IN BOOK 1893, PAGE 72(CCR);
2. N 01°56'48" E A DISTANCE OF 440.14' TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT JOHN A & MARY ELLEN SIMS PARCEL, RECORDED IN BOOK 7658, PAGE 126 (CCR);

THENCE, WITH SAID SIMS PARCEL, THE FOLLOWING TWO (2) COURSES:

1. N 02°53'04" E A DISTANCE OF 1061.71' TO A FOUND #5 REBAR;
2. N 02°53'07" E A DISTANCE OF 27.80' TO THE POINT OF BEGINNING.

PARCELS 55079255470000 & 55079363640000

COMBINED PARCELS SURVEYED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF, NORTHING 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR);
THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN EASTERN LINE, SOUTH 01°56'48" WEST, 647.14 FEET TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE WESTERN LINE OF THAT PAUL QUINTON HARRIS JR PARCEL RECORDED IN BOOK 10032, PAGE 239 (CCR);

THENCE WITH THE NORTHERN LINE OF THAT N/F QUAY PARCEL RECORDED IN BOOK 221, PAGE 127 (CCR) THE FOLLOWING FIVE (5) COURSES:

1. NORTH 84°00'41" WEST, 164.40 FEET TO A SET IRON PIPE;
2. NORTH 64°03'35" WEST, 131.09 FEET TO A SET IRON PIPE;
3. NORTH 51°00'41" WEST, 66.34 FEET TO A FOUND 1" PIPE;
4. SOUTH 44°29'33" WEST, 271.10 FEET TO A SET IRON PIPE;
5. SOUTH 44°29'33" WEST, 30.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH SAID CENTERLINE OF BACK CREEK THE FOLLOWING SEVEN (7) COURSES:

1. NORTH 49°58'23" WEST, 142.46 FEET TO A CALCULATED POINT;
2. NORTH 26°47'48" WEST, 37.94 FEET TO A CALCULATED POINT;
3. NORTH 53°38'32" WEST, 138.62 FEET TO A CALCULATED POINT;
4. NORTH 75°58'52" WEST, 31.16 FEET TO A CALCULATED POINT;
5. SOUTH 69°55'44" WEST, 36.73 FEET TO A CALCULATED POINT;
6. SOUTH 81°22'37" WEST, 35.85 FEET TO A CALCULATED POINT;
7. NORTH 69°43'42" WEST, 18.67 FEET TO A CALCULATED POINT;

THENCE, LEAVING SAID CENTERLINE OF BACK CREEK AND WITH A PROPOSED NEW LINE, THE FOLLOWING TWO (2) COURSES:

1. NORTH 19°59'05" WEST, 30.00 FEET TO A SET IRON PIPE;
2. NORTH 19°59'05" WEST, 606.56 FEET TO A SET IRON PIPE ON THE NORTHERN LINE OF THE AFOREMENTIONED PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN LINE, NORTH 87°09'16" WEST, 100.00 FEET TO A FOUND #7 REBAR BEING THE SOUTHEASTERN CORNER OF THAT CEDAR FIELDS SUBDIVISION RECORDED IN MAP BOOK 23, PAGE 53(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

1. NORTH 07°22'56" EAST, 169.76 FEET TO A FOUND BENT #5 REBAR A COMMON CORNER BETWEEN THAT LYDIA MILLER PARCEL RECORDED IN BOOK 917, PAGE 391(CCR) AND THAT DONALD BRIGMAN PARCEL RECORDED IN BOOK 10897, PAGE 239(CCR);

2. NORTH 07°18'07" EAST, 194.76 FEET TO A FOUND #5 REBAR TO A COMMON CORNER OF THAT JOHN DANIEL ENNIS PARCEL RECORDED IN BOOK 5775, PAGE 0021(CCR) AND THAT FISHER KAY BLACKWELDER PARCEL RECORDED IN BOOK 833, PAGE 418(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION THEN WITH THAT SLE JOHNSON PARCEL RECORDED IN BOOK 9049, PAGE 190 (CCR), NORTH 07°19'04" EAST, 428.62 FEET TO A FOUND #5 REBAR ON THE EASTERN LINE OF THAT KURT D NEWTON & WIFE KELLY R PARCEL RECORDED IN BOOK 2344, PAGE 7;

THENCE, WITH SAID NEWTON PARCEL, NORTH 06°56'54" EAST, 209.53 FEET TO A SET IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STALLINGS ROAD;

THENCE, NORTH 06°56'54" EAST, 16.37 FEET TO A CALCULATED POINT IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE CONTINUING IN THE RIGHT OF WAY OF STALLINGS ROAD, THE FOLLOWING THREE (3) COURSES;

1. WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 142.91 FEET, A RADIUS OF 2964.76 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 87°47'37" EAST 142.89 FEET;
2. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 591.48 FEET, A RADIUS OF 29634.43 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 88°13'55" EAST 591.47 FEET;
3. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 431.57 FEET, A RADIUS OF 3709.58 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 88°55'26" EAST 431.33 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,917,965 SQUARE FEET, 44.03 ACRES, MORE OR LESS.

THE ABOVE DESCRIPTION INCLUDES AN OVERLAP AREA OF 1,616 SQ. FT. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEASTERN CORNER OF THE ABOVE DESCRIBED PARCEL;
THENCE SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, SOUTH 02°54'09" WEST, 440.34 FEET TO A FOUND #5 REBAR;

THENCE, SOUTH 89°07'52" EAST, 7.35 FEET TO A CALCULATED POINT;

THENCE, NORTH 01°56'48" EAST, 440.14 FEET TO THE POINT OF BEGINNING.



**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION
OF ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town of Harrisburg Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Harrisburg, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Harrisburg Town Hall at 4100 Main Street, Harrisburg, North Carolina at 6:00 p.m. on January 13, 2020.

Section 2. The area proposed for annexation is described as follows:

PARCELS 55170390420000, 55170235250000, 55170245910000 & 55170347420000

COMBINED PARCELS SURVEYED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF, NORTHING 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161 (VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR);

THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, S 85°46'30" E A DISTANCE OF 150.65' TO A CALCULATED POINT;

THENCE, S 85°32'57" E A DISTANCE OF 574.04' TO A CALCULATED POINT;

THENCE, S 31°14'42" E A DISTANCE OF 27.02' TO A CALCULATED POINT;

THENCE, N 85°07'55" W A DISTANCE OF 20.40' TO A SET PK NAIL, ON THE WESTERN LINE OF THAT JANICE OTHERIA WEATHERS PARCEL RECORDED IN BOOK 7668, PAGE 105(CCR);

THENCE WITH THE WESTERN LINE OF SAID WEATHERS PARCEL, S 01°17'05" W A DISTANCE OF 154.00' TO A FOUND 1" BENT PIPE;

THENCE, WITH THE SOUTHERN LINE OF SAID WEATHERS PARCEL, N 84°31'05" E A DISTANCE OF 110.25' TO A SET 1/2" PIPE ON THE WESTERN LINE OF THAT RECOMBINATION PLAT FOR THE ERNESTINE WEATHERS DAVIS, ALBERTA W. TALBERT & PHYLLIS JOHNSON PHIFER PROPERTY AS RECORDED IN PLAT BOOK 64, PAGE 59(CCR);

THENCE WITH THE WESTERN LINE OF SAID RECOMBINATION PLAT, ALONG THE REAR LOT LINES OF PARCELS BELONGING TO PHYLLIS JOHNSON PHIFER, MARY FRANCES HARGETT, ALBERTA W TALBERT & CRISCO-DAVIS ERNESTINE WEATHERS, THE FOLLOWING THREE (3) COURSES:

1. S 30°14'43" E A DISTANCE OF 112.63' TO A FOUND #5 REBAR;
2. S 33°42'52" E A DISTANCE OF 114.70' TO A FOUND #5 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS LOCATED S 45°40'11" W, 4.90' FROM THIS CORNER);
3. S 31°30'22" E A DISTANCE OF 371.90' TO A FOUND #4 REBAR (NEAR A FOUND #5 REBAR REFERENCED IN PLAT BOOK 64, PAGE 59 OF WHICH IS NOT HELD AS A BOUNDARY CORNER AND IS LOCATED S 10°52'51" W, 13.41' FROM THIS CORNER) ON THE WESTERN LINE OF THAT PHYLLIS JOHNSON PHIFER PARCEL RECORDED IN PLAT BOOK 50, PAGE 52;

THENCE, WITH THE WESTERN LINE OF SAID PHIFER PARCEL, THE FOLLOWING TWO (2) COURSES:

1. S 31°30'22" E A DISTANCE OF 350.00' TO A SET 1/2" PIPE;
2. S 31°30'22" E A DISTANCE OF 82.82' TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH THE CENTERLINE OF SAID BACK CREEK, THE FOLLOWING FORTY-FOUR (44) COURSES:

1. S 34°11'18" W A DISTANCE OF 32.28' TO A CALCULATED POINT;
2. S 44°40'04" W A DISTANCE OF 71.23' TO A CALCULATED POINT;
3. S 47°49'37" W A DISTANCE OF 76.99' TO A CALCULATED POINT;
4. S 45°09'52" W A DISTANCE OF 56.82' TO A CALCULATED POINT;
5. S 36°37'08" W A DISTANCE OF 40.36' TO A CALCULATED POINT;
6. S 42°17'19" W A DISTANCE OF 61.51' TO A CALCULATED POINT;
7. S 42°28'48" W A DISTANCE OF 75.50' TO A CALCULATED POINT;
8. S 41°09'24" W A DISTANCE OF 59.66' TO A CALCULATED POINT;
9. S 55°03'29" W A DISTANCE OF 69.99' TO A CALCULATED POINT;
10. S 42°01'01" W A DISTANCE OF 34.95' TO A CALCULATED POINT;
11. S 05°49'58" W A DISTANCE OF 29.01' TO A CALCULATED POINT;
12. S 33°09'06" W A DISTANCE OF 28.28' TO A CALCULATED POINT;
13. S 84°26'57" W A DISTANCE OF 31.38' TO A CALCULATED POINT;
14. N 56°37'09" W A DISTANCE OF 49.11' TO A CALCULATED POINT;
15. S 88°03'42" W A DISTANCE OF 44.98' TO A CALCULATED POINT;
16. S 86°17'09" W A DISTANCE OF 68.14' TO A CALCULATED POINT;
17. S 84°16'32" W A DISTANCE OF 83.94' TO A CALCULATED POINT;
18. S 69°08'23" W A DISTANCE OF 42.23' TO A CALCULATED POINT;
19. S 22°02'50" W A DISTANCE OF 24.23' TO A CALCULATED POINT;
20. S 31°33'56" E A DISTANCE OF 98.52' TO A CALCULATED POINT;
21. S 27°02'04" E A DISTANCE OF 30.71' TO A CALCULATED POINT;
22. S 10°33'09" W A DISTANCE OF 16.31' TO A CALCULATED POINT;
23. S 62°31'49" W A DISTANCE OF 19.19' TO A CALCULATED POINT;
24. N 76°17'15" W A DISTANCE OF 24.97' TO A CALCULATED POINT;

25. N 83°15'31" W A DISTANCE OF 34.87' TO A CALCULATED POINT;
26. S 84°10'51" W A DISTANCE OF 43.52' TO A CALCULATED POINT;
27. S 15°51'52" W A DISTANCE OF 18.30' TO A CALCULATED POINT;
28. S 12°31'38" E A DISTANCE OF 78.07' TO A CALCULATED POINT;
29. S 21°21'02" W A DISTANCE OF 14.99' TO A CALCULATED POINT;
30. S 77°20'32" W A DISTANCE OF 24.24' TO A CALCULATED POINT;
31. S 35°00'40" W A DISTANCE OF 30.39' TO A CALCULATED POINT;
32. S 00°36'21" W A DISTANCE OF 46.78' TO A CALCULATED POINT;
33. S 21°52'52" W A DISTANCE OF 53.25' TO A CALCULATED POINT;
34. S 54°48'33" W A DISTANCE OF 68.98' TO A CALCULATED POINT;
35. S 60°25'19" W A DISTANCE OF 160.06' TO A CALCULATED POINT;
36. S 80°21'49" W A DISTANCE OF 41.17' TO A CALCULATED POINT;
37. N 55°02'24" W A DISTANCE OF 41.50' TO A CALCULATED POINT;
38. N 39°29'52" W A DISTANCE OF 57.70' TO A CALCULATED POINT;
39. N 64°25'38" W A DISTANCE OF 31.13' TO A CALCULATED POINT;
40. N 64°25'38" W A DISTANCE OF 28.22' TO A CALCULATED POINT;
41. N 60°16'03" W A DISTANCE OF 60.79' TO A CALCULATED POINT;
42. N 68°29'08" W A DISTANCE OF 71.83' TO A CALCULATED POINT;
43. N 42°06'10" W A DISTANCE OF 84.65' TO A CALCULATED POINT;
44. N 68°13'42" W A DISTANCE OF 62.44' TO A CALCULATED POINT ON THE EASTERN LINE OF THAT PARCEL, NOW OR FORMERLY TITLED TO QUAY, RECORDED IN BOOK 221, PAGE 127(CCR);

THENCE, WITH THE WESTERN LINE OF SAID QUAY PARCEL, N 01°56'48" E A DISTANCE OF 112.45' TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH THE EASTERN LINE OF SAID MCCACHREN PARCEL THE FOLLOWING TWO (2) COURSES:

1. N 01°56'48" E A DISTANCE OF 207.00' TO A CALCULATED POINT ON THE LINE OF THAT PAUL QUINTON HARRIS JR. PARCEL RECORDED IN BOOK 1893, PAGE 72(CCR);
2. N 01°56'48" E A DISTANCE OF 440.14' TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT JOHN A & MARY ELLEN SIMS PARCEL, RECORDED IN BOOK 7658, PAGE 126 (CCR);

THENCE, WITH SAID SIMS PARCEL, THE FOLLOWING TWO (2) COURSES:

1. N 02°53'04" E A DISTANCE OF 1061.71' TO A FOUND #5 REBAR;
2. N 02°53'07" E A DISTANCE OF 27.80' TO THE POINT OF BEGINNING.

PARCELS 55079255470000 & 55079363640000

COMBINED PARCELS SURVEYED LEGAL DESCRIPTION

BEING THAT CERTAIN PARCEL OF LAND LYING SOUTH OF STALLINGS ROAD AND SITUATED IN THE TOWN OF HARRISBURG, CABARRUS COUNTY, NORTH CAROLINA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL IN ASPHALT, THE POINT OF LOCALIZATION OF THIS SITE (WHERE NC GRID NAD 83 COORDINATES AND LOCALIZED GROUND COORDINATES ARE THE SAME), HAVING NAD 83 NORTH CAROLINA GRID COORDINATES OF, NORTHING 573,952.990, EASTING: 1,509,779.857; THENCE NORTH 88°00'22" EAST, A GROUND DISTANCE OF 526.51 FEET TO A FOUND IRON ROD ON THE NORTHERN SIDE OF STALLINGS ROAD - S.R. 1161

(VARIABLE WIDTH RIGHT OF WAY, DB 7690, PG 260) AND A CORNER ON THE WESTERN LINE OF THAT TOWN OF HARRISBURG PARCEL, RECORDED IN BOOK 6783, PAGE 156 CABARRUS COUNTY PUBLIC REGISTRY (HENCE CCR); THENCE, SOUTH 03°07'30" WEST, 36.52 FEET TO A FOUND #4 REBAR IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE, SOUTH 02°18'57" WEST, 29.77 FEET TO A CALCULATED POINT, BEING THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE, IN A CLOCKWISE DIRECTION, SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN EASTERN LINE, SOUTH 01°56'48" WEST, 647.14 FEET TO A FOUND RAILROAD TRACK SET VERTICALLY ON THE WESTERN LINE OF THAT PAUL QUINTON HARRIS JR PARCEL RECORDED IN BOOK 10032, PAGE 239 (CCR);

THENCE WITH THE NORTHERN LINE OF THAT N/F QUAY PARCEL RECORDED IN BOOK 221, PAGE 127 (CCR) THE FOLLOWING FIVE (5) COURSES:

1. NORTH 84°00'41" WEST, 164.40 FEET TO A SET IRON PIPE;
2. NORTH 64°03'35" WEST, 131.09 FEET TO A SET IRON PIPE;
3. NORTH 51°00'41" WEST, 66.34 FEET TO A FOUND 1" PIPE;
4. SOUTH 44°29'33" WEST, 271.10 FEET TO A SET IRON PIPE;
5. SOUTH 44°29'33" WEST, 30.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF BACK CREEK;

THENCE, WITH SAID CENTERLINE OF BACK CREEK THE FOLLOWING SEVEN (7) COURSES:

1. NORTH 49°58'23" WEST, 142.46 FEET TO A CALCULATED POINT;
2. NORTH 26°47'48" WEST, 37.94 FEET TO A CALCULATED POINT;
3. NORTH 53°38'32" WEST, 138.62 FEET TO A CALCULATED POINT;
4. NORTH 75°58'52" WEST, 31.16 FEET TO A CALCULATED POINT;
5. SOUTH 69°55'44" WEST, 36.73 FEET TO A CALCULATED POINT;
6. SOUTH 81°22'37" WEST, 35.85 FEET TO A CALCULATED POINT;
7. NORTH 69°43'42" WEST, 18.67 FEET TO A CALCULATED POINT;

THENCE, LEAVING SAID CENTERLINE OF BACK CREEK AND WITH A PROPOSED NEW LINE, THE FOLLOWING TWO (2) COURSES:

1. NORTH 19°59'05" WEST, 30.00 FEET TO A SET IRON PIPE;
2. NORTH 19°59'05" WEST, 606.56 FEET TO A SET IRON PIPE ON THE NORTHERN LINE OF THE AFOREMENTIONED PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, WITH SAID MCCACHREN LINE, NORTH 87°09'16" WEST, 100.00 FEET TO A FOUND #7 REBAR BEING THE SOUTHEASTERN CORNER OF THAT CEDAR FIELDS SUBDIVISION RECORDED IN MAP BOOK 23, PAGE 53(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION, THE FOLLOWING TWO (2) COURSES:

1. NORTH 07°22'56" EAST, 169.76 FEET TO A FOUND BENT #5 REBAR A COMMON CORNER BETWEEN THAT LYDIA MILLER PARCEL RECORDED IN BOOK 917, PAGE 391(CCR) AND THAT DONALD BRIGMAN PARCEL RECORDED IN

BOOK 10897, PAGE 239(CCR);

2. NORTH 07°18'07" EAST, 194.76 FEET TO A FOUND #5 REBAR TO A COMMON CORNER OF THAT JOHN DANIEL ENNIS PARCEL RECORDED IN BOOK 5775, PAGE 0021(CCR) AND THAT FISHER KAY BLACKWELDER PARCEL RECORDED IN BOOK 833, PAGE 418(CCR);

THENCE, WITH SAID CEDAR FIELDS SUBDIVISION THEN WITH THAT SLE JOHNSON PARCEL RECORDED IN BOOK 9049, PAGE 190 (CCR), NORTH 07°19'04" EAST, 428.62 FEET TO A FOUND #5 REBAR ON THE EASTERN LINE OF THAT KURT D NEWTON & WIFE KELLY R PARCEL RECORDED IN BOOK 2344, PAGE 7;

THENCE, WITH SAID NEWTON PARCEL, NORTH 06°56'54" EAST, 209.53 FEET TO A SET IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF STALLINGS ROAD;

THENCE, NORTH 06°56'54" EAST, 16.37 FEET TO A CALCULATED POINT IN THE RIGHT OF WAY OF STALLINGS ROAD;

THENCE CONTINUING IN THE RIGHT OF WAY OF STALLINGS ROAD, THE FOLLOWING THREE (3) COURSES;

1. WITH A CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 142.91 FEET, A RADIUS OF 2964.76 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 87°47'37" EAST 142.89 FEET;
2. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 591.48 FEET, A RADIUS OF 29634.43 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 88°13'55" EAST 591.47 FEET;
3. WITH A COMPOUND CURVE TO THE RIGHT HAVING AN ARC LENGTH OF 431.57 FEET, A RADIUS OF 3709.58 FEET, AND A CHORD BEARING AND DISTANCE OF SOUTH 88°55'26" EAST 431.33 FEET, TO THE POINT OF BEGINNING, CONTAINING 1,917,965 SQUARE FEET, 44.03 ACRES, MORE OR LESS.

THE ABOVE DESCRIPTION INCLUDES AN OVERLAP AREA OF 1,616 SQ. FT. MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE NORTHEASTERN CORNER OF THE ABOVE DESCRIBED PARCEL;
THENCE SOUTH 02°53'07" WEST, 27.80 FEET TO A FOUND #5 REBAR ON THE WESTERN SIDE OF AN UNNAMED 25' RIGHT OF WAY RECORDED IN BOOK 597, PAGE 464 (CCR);

THENCE, WITH SAID WESTERN SIDE OF UNNAMED RIGHT OF WAY, SOUTH 02°53'04" WEST, 1061.71 FEET TO A FOUND 1/2" PIPE ON THE EASTERN LINE OF THAT PORTION OF YATES M MCCACHREN JR. & WIFE LINDA PARCEL RECORDED IN BOOK 726, PAGE 331(CCR);

THENCE, SOUTH 02°54'09" WEST, 440.34 FEET TO A FOUND #5 REBAR;

THENCE, SOUTH 89°07'52" EAST, 7.35 FEET TO A CALCULATED POINT;

THENCE, NORTH 01°56'48" EAST, 440.14 FEET TO THE POINT OF BEGINNING.

Section 3. Notice of the public hearing shall be published in the Independent Tribune, a newspaper having general circulation in the Town of Harrisburg, at least ten (10) days prior to the date of the public hearing.

Steven J. Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk



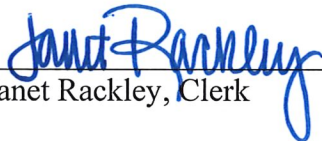
CERTIFICATE OF SUFFICIENCY

To the Town Council of the Town of Harrisburg of Harrisburg North Carolina:

I, Janet Rackley, Clerk, do hereby certify that I have investigated the petitions attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Harrisburg of Harrisburg, North Carolina, this 28th day of October 2019.




Janet Rackley, Clerk



July 19, 2019

Mike Shea
Shea Homes
[Via email]

Mr. Shea,

This letter is to inform you that the rezoning request H2018-08-(R) was **approved** by the Town Council on Monday, August 12th, 2019 meeting.

This property is located at parcel PIN# 55170390420000, 55170235250000, 55170347420000, 55170245910000, 55079363640000 & 55079255470000, located on Stallings Road across from Stallings Road Park and Harrisburg Elementary School. The rezoning request H2018-08-(R) was to rezone approximately 85.35 acres from RE, Rural Estate to RV-CZ, Conditional Residential Village.

The rezoning was approved with the following conditions.

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees to restrict cladding materials for all buildings to classing products other than vinyl siding.
3. Applicant agrees to dedicate land for Public Open Space as required in the UDO.
4. Applicant agrees to construct a ten (10) foot wide greenway trail connection and dedicate a twenty-five (25) foot wide easement to provide access to the greenway connection from Stallings Road to Back Creek Greenway. The installation of the greenway connection shall be completed prior to the issuance of a certificate of occupancy for the first 71 homes to be constructed on the site. The applicant will also fund 50% of the cost to build a pedestrian bridge across Back Creek to connect the greenways. In the event that the easement is not secured by the Town of Harrisburg within two (2) years of the date of approval of this rezoning, the applicant shall have the option to instead exercise the fee-in-lieu provision of the UDO, which is calculated to be \$165,000
5. Applicant agrees to install all required improvements as identified in the Traffic Impact Analysis.
6. Applicant agrees to provide easement to allow the Town to decommission existing pump station on Hoffner Rd and connect onto the projects sewer system.
7. Applicant agrees to complete a LOMR-F prior to any fill activity taking place within the floodplain.

Please be advised that as part of the rezoning approval, Town Council directed staff to work with applicant and NCDOT to modify the intersection at Stallings Park and Stallings Road to allow for left turns out of the park. Town staff will discuss possible options with NCDOT and present potential change to the applicant. Applicant will need to show modified intersection as part of the Preliminary Plat approval process.



You may continue with Site Plan review for approval through the Town of Harrisburg Planning and Zoning Department, the next step is to submit Preliminary Plat for review that meets the above conditions.

If you have any questions or concerns, please let me know.

Sincerely,

Sushil Nepal

Sushil Nepal, AICP

Planning & Economic Development Director

Town of Harrisburg



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of Amendment to FY2020 Budget Ordinance for Deputies Insurance Proceeds

Presenting Personnel:

Brian Lee, Deputy Finance Director

Suggested Motion or Action:

To approve the FY2020 budget amendment for Maintenance and Repair - Vehicles and Insurance Proceeds, as presented, relating to the Deputies' insurance claim.

Description/Background:

A Sheriff Deputy vehicle was sideswiped by a suspect's vehicle on October 31, 2019. The incident caused \$3,827.54 of damage and was filed under the Town's insurance with the NC League of Municipalities.

The Town has received the insurance proceeds of \$3,327.54 and will utilize this reimbursement towards the total repair costs.

Recommendation:

Staff recommends approval of the budget amendment.

Fiscal Impact:

There is no net fiscal impact to the Town as a result of receiving the insurance proceeds.

Maintenance and Repairs - Vehicles and Insurance Proceeds line items will increase by \$3,350.

The fiscal impact of the incident to the Town is an increased Maintenance and Repairs expenditure of \$500, the Town's insurance deductible.

Attachments:

1. Amendment - Deputies Insurance Proceeds 12092019



AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020:

- Section 1.** Amend General Fund to account for Deputies' insurance proceeds.
- Section 2.** To amend the General Fund, the appropriations are to be changed as follows:
- | | |
|-----------------------------------|----------|
| Increase line item 100-2000-54303 | \$ 3,350 |
| M/R Vehicles | |
- Section 3.** To amend the General Fund, the revenues are to be changed as follows:
- | | |
|------------------------------|----------|
| Increase line item 100-49121 | |
| Insurance Proceeds | \$ 3,350 |
- Section 4.** Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.
- Section 5.** That this ordinance shall be effective upon its passage. Adopted this 9th day of December, 2019.

Steve Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Consideration of contract and Project Ordinance amendment for Harrisburg Veterans Park project

Presenting Personnel:

Daniel Stines, Parks & Recreation Director

Suggested Motion or Action:

To approve change order #3 with JD Goodrum for the construction of Veterans Park and the related Project Ordinance amendment and FY2020 Budget amendment, as attached.

Description/Background:

In June 2019, Council approved a \$35,000 amendment to the project, which was made up of \$31,000 for the knee wall and \$4,000 for additional landscaping. In August 2019, Council directed staff to move forward with a \$20,000 addition to the project for estimated additional knee wall costs.

Prior to the amendments to the project and contract being brought before Council for approval, it was determined that the knee wall was going to be even more expensive than previously thought. Therefore, in the September 2019 meeting, Council directed staff to abandon the knee wall and replace with other items in the project, with focus on adding additional protection to the park from vehicles.

Staff chose to add boulders and additional landscaping along the perimeter of the park to protect from potential vehicular accidents. Additional improvements to the park were identified as the project neared completion; including adding additional irrigation to serve the added landscaping, switching from seeded lawn to sod to accommodate the Veterans Day ceremony, increased the size of the concrete entrance to the park, additional stamped concrete work, added enhancements to the arbors, the addition of the entryway kiosk, and other small details to the park.

Change order #3 represents these modifications to the original construction contract. The net effect of removing the knee wall and including the changes listed above is an additional cost of \$20,000.

This increases the total construction contract with JD Goodrum to \$605,000 and a total project budget of \$654,000.

Recommendation:

Staff recommends approval of Change Order #3 and related Project Ordinance, and FY2020 Budget Ordinance amendments, as attached.

Fiscal Impact:

The fiscal impact to the Town is \$20,000.

If approved, the funds will be transferred from the Capital Reserve Fund - General Fund. The current balance in the capital reserve is \$51,167. This transfer would leave a balance of \$31,167 in the Capital Reserve Fund - General Fund.

Attachments:

1. CPR 3 Harris Square Park
2. Amendment -P&R Veterans Park 12092019
3. Project Amendment -P&R Veterans Park 12092019

CHANGE ORDER

AIA DOCUMENT G701

OWNER ☒
ARCHITECT ☒
CONTRACTOR ☒
FIELD ☒
OTHER ☒

PROJECT: Harris Square
4075 Harris Square Drive
Harrisburg, NC 28075

CHANGE ORDER NUMBER: 003
DATE: November 18, 2019
ARCHITECT'S PROJECT NO.: N/A
CONTRACT DATE: May 22, 2019

TO: Town of Harrisburg
4100 Main Street
Harrisburg, NC 28075

You are directed to make the following changes in this Contract:

CPR No.	Description	Submitted Total
003	CPR 3 Per Attached	\$20,000

Not valid until signed by the Owner and Architect.

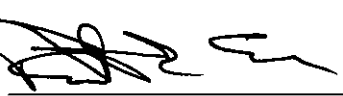
Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract amount was.....	\$550,000.00
Net change by previously authorized Change Orders.....	\$35,000.00
The Contract amount prior to this Change Order was.....	\$585,000.00
The Contract amount will be increased by this Change Order.....	\$20,000.00
The New Contract amount including this Change Order will be.....	\$ 605,000.00
The Contract Time will be changed by.....	27 days
The Date of Substantial Completion as of the date of this Change Order therefore is.....	Nov 11 th , 2017

ARCHITECT
N/A

CONTRACTOR
J.D. Goodrum Company
18339-F Old Statesville Road
Cornelius, NC 28031

OWNER
Town of Harrisburg
4100 Main Street, Suite 103
Harrisburg, NC 28075

By: _____ By:  By: _____

Date: _____ Date: 11/19/19 Date: _____

Authorized: _____

AIA DOCUMENT G701. CHANGE ORDER. APRIL 1978. AIA. C1978

THE AMERICAN INSTITUTE OF ARCHITECTS, 1735 NEW YORK AVE., N.W. WASHINGTON, D.C. 20006701-1978

J.D. Goodrum Company
CHANGE PROPOSAL REQUEST

November 18, 2019

TO:

Town of Harrisburg
4100 Main Street
Harrisburg, NC 28075



Change Proposal Number: 3

Project Name: Harris Square
Project Number: 890.19

The following proposal includes all the work of labor, materials, equipment, transportation, freight, and supervision to complete this proposed change.

Time Required To Make Change: 27 Days
Cost of Change: \$20,000.00

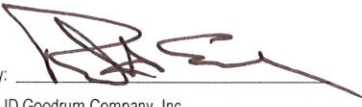
Add Sod	\$9,765.00
Arbor Change to Add Cross Members	\$2,500.00
Demo Concrete To Adjust Slope	\$16,713.00
Landscape Irrigation Added	\$3,500.00
Delete Gatar Bags	(\$710.00)
Balance in Landscaping (Saving Allowance \$8,000-Change Scope \$4,016)	\$3,984.00
Additional Formliners/Stamped Concrete	\$9,236.00
Stain Memorials	\$4,000.00
Concrete Upgrades Offset for Toppings	\$1,012.00
Remove Retaining Walls	(\$31,000.00)
Boulders	\$4,500.00
Balance Left in Contract Contingency Per CO #2 Breakdown	(\$3,500.00)

SUBTOTAL: \$20,000.00

WAIVE OVERHEAD & FEE: \$0

Total Proposal Amount \$20,000

Please review and approve this Change Proposal Request on or before: 11/29/2019
Pricing is subject to change if not approved by the above date.

Prepared By: 
Rick Eagle- JD Goodrum Company, Inc

Date:

11/18/19

Architect Approval: _____

Date: _____

Owner Approval: _____
Town of Harrisburg

Date: _____



AN ORDINANCE AMENDING THE 2019-2020 BUDGET ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020:

Section 1. Amend Capital Reserve Fund - General Fund line items to account for the transfer of funds for Harrisburg Veterans Plaza.

Section 2. To amend the Capital Reserve Fund – General Fund, the appropriations are to be changed as follows:

Increase line item 200-8500-59114	\$ 20,000
Transfers Out – CPF Parks and Recreation	

Section 3. To amend the Capital Reserve Fund – General Fund, the revenues are to be changed as follows:

Increase line item 200-48599	\$ 20,000
Appropriated Fund Balance	

Section 3. Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Section 4. That this ordinance shall be effective upon its passage. Adopted this 9th day of December, 2019.

Steve Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk



AN ORDINANCE AMENDING THE 2019-2020 CAPITAL PROJECT ORDINANCE OF THE TOWN OF HARRISBURG, NORTH CAROLINA

Be it ordained by the Town Council of the Town of Harrisburg, North Carolina, that the following amendment be made to the Capital Projects Fund – Parks and Recreation project ordinance for the fiscal years beginning July 1, 2018 and ending June 30, 2020:

Section 1. Amend Capital Projects Fund – Parks and Recreation line items to account for additional construction costs associated with Change Order #3.

Section 2. To amend the Capital Projects Fund – Parks and Recreation, the appropriations are to be changed as follows:

Increase line item 320-5000-57100	\$ 20,000
Construction	

Section 3. To amend the Capital Projects Fund – Parks and Recreation, the revenues are to be changed as follows:

Increase line item 320-49555	\$ 20,000
Transfers In - GFCRF	

Section 4. Copies of this budget amendment shall be furnished to the Clerk of the Town Council, and to the Budget Officer and the Finance Officer for their direction.

Section 5. That this ordinance shall be effective upon its passage. Adopted this 9th day of December, 2019.

Steve Sciascia, Mayor

ATTEST:

Janet Rackley, Town Clerk



TOWN OF HARRISBURG

Agenda Item Details

Title:

Presentation of plaques to outgoing Council members Benita Conrad and Christopher Barfield.

Presenting Personnel:

Suggested Motion or Action:

None necessary.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

Oath of Office for newly elected and/or re-elected Council members Rodney Dellinger, Ian Patrick, Ron Smith and Rick Russo.

Presenting Personnel:

Suggested Motion or Action:

None necessary.

Description/Background:

Recommendation:

Fiscal Impact:

Attachments:

None



TOWN OF HARRISBURG

Agenda Item Details

Title:

To set a public hearing for January 13, 2020 to consider changes to Chapter 53 - Storm Water of the Town of Harrisburg Code of Ordinances.

Presenting Personnel:

Robert Donham, Town Engineer

Suggested Motion or Action:

Motion to set a public hearing for Monday, January 13, 2020 to consider changes to Chapter 53 - Storm Water of the Town of Harrisburg Code of Ordinances.

Description/Background:

The Town of Harrisburg Engineering Department has worked with a consultant to update and improve Chapter 53 of the Code of Ordinances. Changes include changes in terminology and procedures that were passed down from the state level, clarification of existing codes, and the adoption of a low-density development standard.

The term BMP, which stands for Best Management Practice, was previously used by the State to encompass a program or structure that protects, maintains, or restores stormwater. The loose definition of this term was updated by the State in 2017. The term the State now uses is Stormwater Control Measures (SCM) which more accurately depicts the intent of the stormwater program. A Stormwater Control Measure reduces the volume of water and the level of total suspended solids leaving a site. In addition, the State revised the definition of built-upon area (BUA). The ordinance has been revised throughout to reflect these changes in terminology.

The current Stormwater Ordinance refers to development and redevelopment. The definition of these terms have changed at the State level. The term redevelopment was revised to meet the current State definition, such that redevelopment is exempt from the stormwater ordinance because it does not contribute any additional built upon area or change the hydraulics of the site. Although redevelopment is now exempt by means of a more strict definition, the ordinance shall still apply to any site that does not minimize downstream private and public property damage resulting from flooding and impact to the performance of public infrastructure.

A differentiation between low density and high density development was made in the revised ordinance. The proposed rules of Low Density Development adhere to the State policy. The Town has never formally adopted a low density standard.

Recommendation:

Staff recommends setting public hearing for the consideration of changes to the Storm Water Ordinance.

Fiscal Impact:

None

Attachments:

1. Chapter 53 - Revised Ordinance with Tracked Changes

Table of Contents

SECTION 1: GENERAL PROVISIONS	5
101 Title	5
102 Authority	5
103 Findings.....	5
104 Purpose.....	5
(A) General.....	5
(B) Specific	6
105 Applicability and Jurisdiction	6
(A) Applicability	6
(B) Exemptions	7
(C) No Development Until Compliance and Permit	7
(D) Jurisdiction.....	7
(E) Map	7
106 Interpretation.....	8
(A) Meaning and Intent	8
(B) Text Controls in Event of Conflict.....	8
(C) Authority for Interpretation.....	8
(D) References to Statutes, Regulations, and Documents	8
(E) Computation of Time.....	8
(F) Delegation of Authority	8
107 Design Manual	8
(A) Reference to Design Manual.....	8
(B) Relationship of Design Manual to Other Laws and Regulations.....	9
(C) Changes to Standards and Specifications	9
108 Relationship to Other Laws, Regulations and Private Agreements.....	9
(A) Conflict of Laws	9
(B) Private Agreements.....	9
109 Severability	10
110 Effective Date and Transitional Provisions	10
(A) Effective Date	10
(B) Final Approvals, Complete Applications.....	10
(C) Violations Continue	10

SECTION 2: ADMINISTRATION AND PROCEDURES	11
201 Review and Decision-Making Entities	11
(A) Stormwater Administrator	11
(1) Designation	11
(2) Powers and Duties.....	11
202 Review Procedures.....	11
(A) Permit Required; Must Apply for Permit.....	11
(B) Effect of Permit.....	12
(C) Authority to File Applications	12
(D) Establishment of Application Requirements, Schedule, and Fees.....	12
(1) Application Contents and Form	12
(2) Submission Schedule	12
(3) Permit Review Fees	12
(4) Administrative Manual	12
(E) Submittal of Complete Application	13
(F) Review	13
(1) Approval	13
(2) Fails to Comply.....	13
(3) Revision and Subsequent Review	13
203 Applications for Approval	14
(A) Concept Plan and Consultation Meeting.....	14
(1) Existing Conditions / Proposed Site Plans.....	14
(2) Natural Resources Inventory.....	14
(3) Stormwater Management System Concept Plan.....	14
(B) Stormwater Management Permit Application	15
(C) As-Built Plans and Final Approval	15
(D) Other Permits	15
204 Approvals.....	15
(A) Effect of Approval	15
(B) Time Limit/Expiration	16
205 Right of Appeal.....	16
(A) Procedure	16
(B) Filing of Appeal and Procedures.....	16
(C) Review by Superior Court	16
(D) Appeal.....	17
SECTION 3: STANDARDS.....	18

301	General Standards	18
302	Development Standards for Low Density Projects	19
303	Development Standards for High Density projects	20
304	Standards for Stormwater Control Measures.....	20
(A)	Evaluation According to Contents of Design Manual	20
(B)	Determination of Adequacy; Presumptions and Alternatives.....	21
305	Variances.....	21
SECTION 4: MAINTENANCE		22
401	General Standards for Maintenance.....	22
(A)	Function of BMPs As Intended.....	22
(B)	Annual Maintenance Inspection and Report.....	22
(C)	Maintenance Easement	22
402	Operation and Maintenance Agreement	23
(A)	In General.....	23
(B)	Special Requirement for Homeowners’ and Other Associations	23
403	Inspection Program	24
404	Performance Security for Installation and Maintenance.....	25
(A)	May Be Required	25
(B)	Amount	25
(1)	Installation.....	25
(2)	Maintenance.....	25
(C)	Uses of Performance Security.....	25
(1)	Forfeiture Provisions.....	25
(2)	Default.....	25
(3)	Costs in Excess of Performance Security	26
(4)	Refund.....	26
405	Notice to owners	26
(A)	Deed Recordation and Indications On Plat.....	26
406	Records of Installation and Maintenance Activities	26
407	Nuisance.....	26
SECTION 5: ENFORCEMENT AND VIOLATIONS		27
501	General.....	27
(A)	Authority to Enforce	27
(B)	Violation Unlawful	27

(C)	Each Day a Separate Offense.....	27
(D)	Responsible Persons/Entities	27
(1)	Person Maintaining Condition Resulting In or Constituting Violation	27
(2)	Responsibility For Land or Use of Land.....	27
502	Remedies and Penalties.....	28
(A)	Remedies.....	28
(1)	Withholding of Certificate of Occupancy.....	28
(2)	Disapproval of Subsequent Permits and Development Approvals.....	28
(3)	Injunction, Abatements, etc.	28
(4)	Correction as Public Health Nuisance, Costs as Lien, etc.	28
(5)	Stop Work Order.....	28
(B)	Civil Penalties	29
(C)	Criminal Penalties.....	29
503	Procedures.....	29
(A)	Initiation/Complaint.....	29
(B)	Inspection.....	29
(C)	Notice of Violation and Order to Correct	29
(D)	Extension of Time.....	30
(E)	Enforcement After Time to Correct.....	30
(F)	Emergency Enforcement.....	30
	SECTION 6: DEFINITIONS.....	31
601	Terms Defined	31
	SECTION 7: Illicit Discharges	34
701	Illicit Discharges and Connections	34
(A)	Illicit Discharges	34
(B)	Non-Stormwater Discharges.....	34
(C)	Illicit Connections.....	35
(D)	Spills	35
(E)	Nuisance.....	36

SECTION 1: GENERAL PROVISIONS

101 TITLE

This Ordinance shall be officially known as “The Stormwater Quality Ordinance.” It is referred to herein as “this Ordinance.”

102 AUTHORITY

The Town Council of the Town of Harrisburg, further referred to herein as “the Town”, is authorized to adopt this Ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; the Charter of the Town of Harrisburg, North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; and Session Law 2004-163; Chapter 160A, §§ 174, 185.

103 FINDINGS

It is hereby determined that:

Development-and redevelopment alter the hydrologic response of local watersheds and increases stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology which are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from *development* sites.

Further, the Federal Water Pollution Control Act of 1972 (“Clean Water Act”) and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt the minimum stormwater controls such as those included in this Ordinance.

Therefore, the Town Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

104 PURPOSE

(A) General

The purpose of this Ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-*development* stormwater runoff and nonpoint and point source pollution associated with new *development and redevelopment* as well as illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-*development* stormwater runoff will minimize damage to

public and private property and infrastructure, safeguard the public health, safety, and general welfare, and protect water and aquatic resources.

(B) Specific

This Ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for *development* that protects the integrity of watersheds and preserves the health of water resources;
2. Requiring that new *development-and redevelopment* maintain the pre-*development* hydrologic response in their post-*development* state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;
3. Establishing minimum post-*development* stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
4. Establishing design and review criteria for the construction, function, and use of ~~structural~~ stormwater ~~BMPs~~ *control measures (SCMs)* that may be used to meet the minimum post-*development* stormwater management standards;
5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of green space, *riparian* buffers, and other conservation areas to the maximum extent practicable;
6. Establishing provisions for the long-term responsibility for and maintenance of ~~structural and nonstructural stormwater BMPs~~ *SCMs* to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;
7. Establishing administrative procedures for the submission, review, approval and disapproval of stormwater management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance;
8. Controlling illicit discharges into the municipal separate stormwater system;
9. Controlling erosion and sedimentation from construction activities.

105 **APPLICABILITY AND JURISDICTION**

(A) Applicability

Beginning with and subsequent to its effective date, this Ordinance shall be applicable to all *development-and redevelopment*, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection (B) of this Section, Exemptions.

Development that cumulatively disturbs more than 10,000 square feet and or is part of a *larger common plan of development or sale* that cumulatively disturbs more than 10,000 square feet must comply with the provisions of this Ordinance and the Standards set forth in Section 3, Standards.

~~*Redevelopment* that cumulatively disturbs more than one acre or is part of a *larger common plan of development or sale* that cumulatively disturbs more than one acre must comply with the provisions of this Ordinance and the Standards set forth in Section 3, Standards.~~

~~*Development and redevelopment*~~ are part of a *larger common plan of development or sale*, even though multiple, separate or distinct activities may take place at different times on different schedules and by different developers.

(B) Exemptions

Redevelopment as defined in this Ordinance

Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act as specified in 40 CFR 232 (primarily, non-point source agricultural and silvicultural (forestry) activities) are exempt from the provisions of this Ordinance.

(C) No Development ~~or Redevelopment~~ Until Compliance and Permit

No ~~*development or redevelopment*~~ shall occur except in compliance with the provisions of this Ordinance or unless exempted. No ~~*development or redevelopment*~~ for which a permit is required pursuant to this Ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

(D) Jurisdiction

The provisions of this Ordinance shall apply to all public or private building(s), land(s), and use(s) thereon over which the Town has or will have future jurisdiction under the constitution(s) and law(s) of the State of North Carolina and of the United States, including any areas within the jurisdiction of the Town pursuant to NCGS § 160A-360. Pursuant to NCGS § 160A-392, each provision of this Ordinance is applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions

(E) Map

The provisions of this Ordinance shall apply within the areas designated on the map titled "Stormwater Quality Map of Harrisburg, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory matter contained thereon accompanies and is hereby made a part of this Ordinance.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes to the *future service area* covered by this Ordinance and the geographic location of all SCMs permitted under this Ordinance. In the event of a dispute, the applicability of this Ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the

North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

106 INTERPRETATION

(A) Meaning and Intent

All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to the general and specific purposes set forth in Section 104, Purpose. If a different or more specific meaning is given for a term defined elsewhere in the Town's Unified Development Ordinance or other ordinances, the meaning and application of the term in this Ordinance shall control for purposes of application of this Ordinance.

(B) Text Controls in Event of Conflict

In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

(C) Authority for Interpretation

The Stormwater Administrator has authority to determine the interpretation of this Ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this Ordinance.

(D) References to Statutes, Regulations, and Documents

Whenever reference is made to a resolution, ordinance, statute, regulation, manual or document, it shall be construed as a reference to the most recent edition of such that has been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

(E) Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town. References to days are calendar days unless otherwise stated.

(F) Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of the Town may be carried out by his or her designee.

107 DESIGN MANUAL

(A) Reference to Design Manual

The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the *Design Manual* as the basis for

decisions about stormwater permits and about the design, implementation and performance of SCMs and stormwater management practices.

The *Design Manual* includes a list of acceptable SCMs and stormwater management practices and provides instruction for design and analysis methodologies. SCMs and stormwater management practices that are designed, constructed, and maintained in accordance with these methodologies and the Standards of this Ordinance will be presumed to meet the minimum water quality performance standards of the Phase II laws.

The *Design Manual* may consist of one or several acceptable manuals or documents determined by the Stormwater Administrator. The Stormwater Administrator may add or remove manuals or documents from reference at their discretion in order to provide the guidance to meet this Ordinance and Phase II laws.

(B) Relationship of Design Manual to Other Laws and Regulations

If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual*.

(C) Changes to Standards and Specifications

If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this Ordinance with regard to the application.

108 **RELATIONSHIP TO OTHER LAWS, REGULATIONS AND PRIVATE AGREEMENTS**

(A) Conflict of Laws

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare, shall control.

(B) Private Agreements

This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to

comply with this Ordinance. In no case shall the Town be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

109 SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

110 EFFECTIVE DATE AND TRANSITIONAL PROVISIONS

(A) Effective Date

This Ordinance shall take effect on January 1, 2008.

(B) Final Approvals, Complete Applications

All ~~development-and redevelopment~~ projects for which complete and full applications were submitted and approved by the Town prior to the effective date of this Ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of ~~development or redevelopment~~ shall be exempt from complying with all provisions of this Ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions [including but not limited to illicit discharge provisions].

(C) Violations Continue

Any violation of provisions existing on the effective date of this Ordinance shall continue to be a violation under this Ordinance and be subject to penalties and enforcement under this Ordinance unless the use, *development*, construction, or other activity complies with the provisions of this Ordinance.

SECTION 2: ADMINISTRATION AND PROCEDURES

201 REVIEW AND DECISION-MAKING ENTITIES

(A) Stormwater Administrator

(1) Designation

A Stormwater Administrator shall be designated by the Town Council to administer and enforce this Ordinance.

(2) Powers and Duties

In addition to the powers and duties that may be conferred by other provisions of the Town Charter, Code of Ordinances, Unified Development Ordinance, and other laws, the Stormwater Administrator shall have the following powers and duties under this Ordinance:

- a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this Ordinance.
- b. To make determinations and render interpretations of this Ordinance.
- c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council on applications for *development* ~~or redevelopment~~ approvals.
- d. To enforce the provisions of this Ordinance in accordance with its enforcement provisions.
- e. To maintain records, maps, forms, and official materials as relate to the adoption, amendment, enforcement, and administration of this Ordinance.
- f. To provide expertise and technical assistance to the Town Council and any Town Council-delegated committee for the purposes of enforcing the provisions of this Ordinance, upon request.
- g. To designate appropriate other person(s) who shall carry out specifically delegated powers and duties of the Stormwater Administrator.
- h. To take any other action necessary to administer the provisions of this Ordinance.

202 REVIEW PROCEDURES

(A) Permit Required; Must Apply for Permit

A stormwater permit is required for all *development* ~~and redevelopment~~ unless exempt pursuant to this Ordinance. A permit may only be issued subsequent to a properly submitted and reviewed permit application, pursuant to this section.

(B) Effect of Permit

A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including ~~§SCMs~~ and elements of site design for stormwater management other than ~~§SCMs~~.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the *development* ~~or redevelopment~~ site consistent with the requirements of this Ordinance, whether the approach consists of ~~§SCMs~~ or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this Ordinance.

(C) Authority to File Applications

All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land *owner* or the land *owner's* duly authorized agent.

(D) Establishment of Application Requirements, Schedule, and Fees

(1) Application Contents and Form

The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-*development* stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this Ordinance.

(2) Submission Schedule

The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

(3) Permit Review Fees

The Town Council shall establish permit review fees as well as policies regarding refund of any fees upon withdrawal of an application, and may amend and update the fees and policies from time to time.

(4) Administrative Manual

For applications required under this Code, the Stormwater Administrator shall compile the application requirements, submission schedule, fee schedule, a copy of this Ordinance, and information on how and where to obtain the *Design Manual* in an Administrative Manual, which shall be made available to the public.

(E) Submittal of Complete Application

Applications shall be submitted to the Stormwater Administrator pursuant to the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this Ordinance, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

(F) Review

Within thirty (30) working days after a complete application is submitted, the Stormwater Administrator shall review the application and determine whether the application complies with the standards of this Ordinance.

(1) Approval

If the Stormwater Administrator finds that the application complies with the standards of this Ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this Ordinance. The conditions shall be included as part of the approval.

(2) Fails to Comply

If the Stormwater Administrator finds that the application fails to comply with the standards of this Ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

(3) Revision and Subsequent Review

A complete revised application shall be reviewed by the Stormwater Administrator within thirty (30) working days after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within thirty (30) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or substantially the same project shall be required along with the appropriate fee.

One re-submittal of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the first re-submittal shall be accompanied by a permit review fee additional fee, as established pursuant to this Ordinance.

(A) Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the developer shall schedule a consultation with the Stormwater Administrator on a concept plan for the post-construction stormwater management system to be utilized in the proposed *development* project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the *development* process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the Unified Development Ordinance, and other relevant resource protection plans should be consulted in the discussion of the concept plan.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

(1) Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) Natural Resources Inventory

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for *development* and stormwater management

(3) Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-*development* stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

(B) Stormwater Management Permit Application

The stormwater management permit application shall detail how post-*development* stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this Ordinance, including Section 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer and the engineer shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards of this Ordinance and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this Ordinance.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to Section 202(E).

(C) As-Built Plans and Final Approval

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed. Electronic versions of the “as-built” plans shall accompany any hardcopy submittal of plans.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

(D) Other Permits

No certificate of compliance or occupancy shall be issued by the Cabarrus County Commerce Department without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Cabarrus County Commerce Department may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

204 APPROVALS

(A) Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

(B) Time Limit/Expiration

An approved plan shall become null and void if the applicant fails to make *substantial progress* on the site within one year after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

205 **RIGHT OF APPEAL**

(A) Procedure

Any application request for a variance shall be filed with the Stormwater Administrator for transmittal to the Town Council.

The Town Council shall conduct a hearing on the appeal pursuant to the procedures established in NCGS § 160A-388b or Section 3.1.8 of the Town's Unified Development Ordinance.

The Storm Water Board of Adjustment's decision shall be considered a final decision after the Board approves the official minutes containing such during an official meeting and filed with the Town Clerk.

(B) Filing of Appeal and Procedures

Appeals shall be taken within the specified time by filing a notice of appeal and specifying the grounds for appeal on forms provided by the Town. The Stormwater Administrator shall forthwith transmit to the Town Council all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Town Council shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by the competent material evidence.

(C) Review by Superior Court

Every decision of the Town Council shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the later of the following:

- (1) The decision of the Town Council is filed; or
- (2) A written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Stormwater Administrator at the time of its hearing of the case.

(D) Appeal

An aggrieved person may appeal to the Town Council any action taken by the Stormwater Administrator pursuant to Section 205.

SECTION 3: STANDARDS

301 GENERAL STANDARDS

All ~~development and redevelopment~~ to which this Ordinance applies shall comply with the standards of this section.

Projects shall be considered low density if it contains no more than 24 percent built-upon area or no more than two dwelling units per acre; otherwise, it shall be considered high density. The following requirements shall apply to the calculation of project density:

(A) Project density shall be calculated as the total built-upon area divided by the total project area.

(B) A project with existing development may use the calculation method in Sub-301 (A) or shall have the option of calculating project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.

SCMs shall be designed, constructed, and maintained so that the project achieves either runoff treatment or runoff volume match. For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch.

Stormwater runoff from the ~~development~~ shall be transported from the ~~development~~ by vegetated conveyances to the maximum extent practicable.

Post-development discharges from development shall minimize downstream private and public property damage resulting from flooding and impact to the performance of public infrastructure.

The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future development maintains the site consistent with the approved plans.

All ~~development and redevelopment~~ to which this Ordinance applies shall comply with the standards set forth in section 15 of Article 4 of the Town's Unified Development Ordinance, titled River/Stream Overlay (RSOD) District and pertaining to the preservation of natural vegetated or revegetated areas along designated streams and rivers. Approval of a stormwater plan shall be granted on adherence of the standards of section 4.15 of the Town's Unified Development Ordinance. New stormwater outfalls resulting from ~~development and redevelopment~~ authorized under this Ordinance shall be constructed to discharge their stormwater as *sheet flow* prior to entering the *riparian* buffer.

All ~~development and redevelopment~~ to which this Ordinance applies shall comply with the soil erosion and sedimentation control standards, where applicable, and administered by ~~Cabarrus County Commerce~~North Carolina Department ~~of Environmental Quality~~. A stormwater permit shall be granted to the ~~development or redevelopment~~ once the ~~development or redevelopment~~ has received an approved erosion control permit and registered a copy of the permit and plan with the Stormwater Administer.

302 **DEVELOPMENT STANDARDS FOR LOW DENSITY PROJECTS**

This section shall be applicable to all ~~development and redevelopment~~, pursuant to Subsection (A) of Section 105, Applicability, unless exempt pursuant to Subsection (B) of Section 105, Exemptions. The ~~development and redevelopment~~ shall implement design criteria that comply with each of the following standards:

- (A) Drainage systems shall be designed to maximize dispersed flow through vegetated areas and minimize channelization of flow.
- (B) Stormwater that cannot be released as dispersed flow shall be transported by vegetated conveyances. A minimal amount of non-vegetated conveyances for erosion protection or piping for driveways or culverts under a road shall be allowed by the permitting authority when it cannot be avoided. Vegetated conveyances shall meet the following requirements:
 - (1) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated to the Town that the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 - (2) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm as demonstrated by engineering calculations.
- (C) Low density projects may use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:
 - (1) The curb outlets shall be designed such that the swale or vegetated area can carry the peak flow from the 10-year storm at a non-erosive velocity.
 - (2) The longitudinal slope of the swale or vegetated area shall not exceed five percent, except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided.
 - (3) The swale's cross-section shall be trapezoidal with a minimum bottom width of two feet.
 - (4) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);.
 - (5) The minimum length of the swale or vegetated area shall be 100 feet; and
 - (6) Low density projects may use treatment swales designed pursuant to the *Drainage Manual* in lieu of the requirements specified in Sub-items (1) through (5) of this Section.

303 DEVELOPMENT STANDARDS FOR HIGH DENSITY PROJECTS

This section shall be applicable to all *development*, pursuant to Subsection (A) of Section 105, Applicability, unless exempt pursuant to Subsection (B) of Section 105, Exemptions. The *development* shall implement design criteria that comply with each of the following standards:

- (A) Post-*development* peak discharges must be controlled to pre-*development* discharges for, at a minimum, the 1-year, 24-hour storm and the 10-year, 24-hour storm.
- (B) ~~(C) — Applicants shall have~~ SCM shall be designed, constructed, and maintained so that the option to design projects to achieve "runoff volume match" in lieu of "development achieves runoff treatment".
- ~~(C) —~~
- (C) ~~Stormwater runoff from off-site areas and existing *development* shall not be required to be treated in the SCM. Runoff from off-site areas or existing *development* that is not bypassed shall be included in the sizing of on-site SCMs at its full built-out potential.~~
- (D) ~~A *development* that controls runoff through an off-site SCM shall be allowed on a case-by-case basis as those terms are defined in Rule .1002 determined by the Town if the off-site SCM meets the provisions of the Minimum Design Criteria. (E) SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 2H .1050 through .1062 of this Section except in accordance with Item (6) of 15A NCAC 2H .1003.~~
- ~~(C) — (D) — General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the Administrative Manual;~~
- ~~(E) — (F) —~~
- (F) ~~When new *built-upon area* is added to existing *development* or existing *development* is replaced with new *built-upon area*, only the area of net increase shall be subject to this Section.~~

303304 STANDARDS FOR STORMWATER CONTROL MEASURES

(A) Evaluation According to Contents of Design Manual

~~All~~ All SCMs and stormwater management practices required under this Ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each SCMs and stormwater management practices, in the *Design Manual*. The Stormwater Administrator shall determine whether specific types and applications of SCMs and stormwater management practices will be adequate to meet the requirements of this Ordinance. Guidance on selecting an appropriate SCMs and stormwater management practices is provided in the *Design Manual*.

(B) **Determination of Adequacy; Presumptions and Alternatives**

SCMs and stormwater management practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design Manual* will be presumed to meet the minimum water quality and quantity performance standards of this Ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual*, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this Ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples as necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

304305 **VARIANCES**

(A) Any person may petition the Town Council for a variance granting permission to use the person's land in a manner otherwise prohibited by this Ordinance. To qualify for a variance, the petitioner must show all of the following:

- (1) Unnecessary hardships would result from strict application of this Ordinance.
- (2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.
- (3) The hardships did not result from actions taken by the petitioner.
- (4) The requested variance is consistent with the spirit, purpose, and intent of this Ordinance; will secure public safety and welfare; and will preserve substantial justice.

(B) The Town Council may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

SECTION 4: MAINTENANCE

401 GENERAL STANDARDS FOR MAINTENANCE

(A) Function of BMPs As Intended

The owner of each SCM installed pursuant to this Ordinance shall maintain and operate it to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the SCM was designed.

(B) Annual Maintenance Inspection and Report

The person responsible for maintenance of any SCM installed pursuant to this Ordinance shall submit to the Stormwater Administrator an inspection report from a qualified registered North Carolina professional engineer performing services only in their area of competence. The inspection report, at a minimum, shall contain all of the following:

- (1) The name and address of the land *owner*;
- (2) The recorded book and page number of the lot of each SCM;
- (3) A statement that an inspection was made of all SCMs;
- (4) The date the inspection was made;
- (5) A statement that all inspected SCMs are performing properly and comply with the terms and conditions of the approved maintenance agreement required by this Ordinance;
- (6) The original signature and seal of the engineer inspecting the SCMs; and
- (7) Digital photographs of the SCMs and pertinent components integral to its operation, including but not limited to inlet/outlet control structures, downstream receiving channel/area, embankments and spillways, safety features, and vegetation.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built certification and each year thereafter on or before the date of the as-built certification-or as determined by the Stormwater Administrator.~~Maintenance Easement~~

(C) Maintenance Easement

Every SCM installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by a maintenance easement. The easement shall be recorded on the plans and included as an attachment with the operation and maintenance agreement. The easement's terms shall specify who may make use of the easement and for what purposes.

(A) In General

Prior to the conveyance or transfer of any lot or building site to be served by a SCM pursuant to this Ordinance, and prior to issuance of any permit for ~~development~~ ~~redevelopment~~ requiring a SCM pursuant to this Ordinance, the applicant or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owners* of the site, portions of the site, and lots or parcels served by the SCM. Until the transference of all property, sites, or lots served by the SCM, the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the *owner* or *owners* to maintain, repair and, if necessary, reconstruct the SCM, and shall state the terms, conditions, and schedule of maintenance for the SCM. In addition, it shall grant to the Town a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the SCM.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation. Special Requirement for Homeowners' and Other Associations

(B) Special Requirement for Homeowners' and Other Associations

For all ~~§SCMs~~ required pursuant to this Ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

- (1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.
- (2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the ~~§SCMs~~. If ~~§SCMs~~ are not performing adequately or as intended or are not properly maintained, the Town, in its sole discretion, may remedy the situation, and in such instances, the Town shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the ~~§SCMs~~, provided that the Town shall first consent to the expenditure.
- (3) Both developer contribution and annual sinking funds shall fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer shall pay into the escrow account an amount equal to fifteen (15) per cent of the initial construction cost of the ~~§SCMs~~. Two-thirds (2/3) of the total amount of sinking fund

budget shall be deposited into the escrow account within the first five (5) years and the full amount shall be deposited within ten (10) years following initial construction of the ±SCM. Funds shall be deposited each year into the escrow account. A portion of the annual assessments of the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

- (4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the Town depending on the design and materials of the stormwater control and management facility.
- (5) Granting to the Town a right of entry to inspect, monitor, maintain, repair, and reconstruct ±SCM.
- (6) Allowing the Town to recover from the association and its members any and all costs the Town expends to maintain or repair the ±SCM or to correct any operational deficiencies. Failure to pay the Town all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In the case of deficiency, the Town shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.
- (7) A statement that this agreement shall not obligate the Town to maintain or repair any ±SCM, and the Town shall not be liable to any person for the condition or operation of ±SCM.
- (8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its ordinances as authorized by law.
- (9) A provision indemnifying and holding harmless the Town for any costs and injuries arising from or related to the SCM, unless the Town has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

403 INSPECTION PROGRAM

Inspections and inspection programs by the Town may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

If the *owner* or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or

interfere with the Stormwater Administrator while carrying out his or her official duties.

404 PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE

(A) May Be Required

The Town, at its discretion, may require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the SCMs are

(1) installed by the permit holder as required by the approved stormwater management plan, and/or

(2) maintained by the *owner* as required by the operation and maintenance agreement.

(B) Amount

(1) Installation

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus 25%.

(2) Maintenance

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual cost of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation.

(C) Uses of Performance Security

(1) Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or *owner* in accordance with this Ordinance, approvals issued pursuant to this Ordinance, or an operation and maintenance agreement established pursuant to this Ordinance.

(2) Default

Upon default of the *owner* to construct, maintain, repair and, if necessary, reconstruct any SCMs in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the *owner* to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the

Town shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(3) Costs in Excess of Performance Security

If the Town takes action upon such failure by the applicant or *owner*, the Town may collect from the applicant or *owner* the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(4) Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing maintenance associated with the BMPs covered by the security. Any such landscaping shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

405 NOTICE TO OWNERS

(A) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement pertaining to every SCM shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement shall be recorded with the county Register of Deeds to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

406 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

The *owner* of each SCM shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

407 NUISANCE

The *owner* of each SCM or stormwater management practices shall maintain it so as not to create or result in a nuisance condition, such as but not limited to flooding, erosion, excessive algal growth, overgrown vegetation, mosquito breeding habitat, existence of unsightly debris, or impairments to public safety and health.

SECTION 5: ENFORCEMENT AND VIOLATIONS

501 GENERAL

(A) Authority to Enforce

The provisions of this Ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the Town.

(B) Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this Ordinance, or the terms or conditions of any permit or other ~~development or redevelopment~~ approval or authorization granted pursuant to this Ordinance, is unlawful and shall constitute a violation of this Ordinance.

(C) Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

(D) Responsible Persons/Entities

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, practice, or condition in violation of this Ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists; or an *owner*, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or *development* of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

(1) Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this Ordinance, or fails to take appropriate action, so that a violation of this Ordinance results or persists.

(2) Responsibility For Land or Use of Land

The *owner* of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person,

who has control over, or responsibility for, the use, *development or redevelopment* of the property.

502 REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(A) Remedies

(1) Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(2) Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this Ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Town may disapprove, any request for permit or *development* approval or authorization provided for by this Ordinance for the land on which the violation occurs.

(3) Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the Town, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this Ordinance. Any person violating this Ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

(4) Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the written authorization of the Town, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(5) Stop Work Order

The Stormwater Administrator may issue a stop work order to the person(s) violating this Ordinance. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

(B) Civil Penalties

Violation of this Ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the Town is subject for violations of its Phase II Stormwater permit.

(C) Criminal Penalties

Violation of this Ordinance may be enforced as a misdemeanor subject to the maximum fine permissible under North Carolina law.

503 PROCEDURES

(A) Initiation/Complaint

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

(B) Inspection

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this Ordinance.

(C) Notice of Violation and Order to Correct

When the Stormwater Administrator finds that any building, structure, or land is in violation of this Ordinance, the Stormwater Administrator shall notify, in writing, the property *owner* or other person violating this Ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period, as provided in the notification, the Stormwater Administrator may take appropriate action under this Ordinance to correct and abate the violation and to ensure compliance with this Ordinance.

(D) Extension of Time

A person who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding ten (10) days. The Stormwater Administrator may grant five (5)-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this Ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be subject to the penalties described in the notice of violation and correction order.

(E) Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this Ordinance.

(F) Emergency Enforcement

If delay in correcting a violation would seriously threaten the effective enforcement of this Ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

SECTION 6: DEFINITIONS

601 TERMS DEFINED

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

1-year, 24-hour storm

The surface runoff resulting from a 24-hour rainfall intensity expected to be equaled or exceeded, on average, once in 12 months and with duration of 24 hours.

10-year, 24-hour storm

The surface runoff resulting from a 24-hour rainfall intensity expected to be equaled or exceeded, on average, 1 in 10 chances in 12 months and with duration of 24 hours.

Built-upon area (BUA)

That portion of a *development* project that is covered by impervious or partially impervious surface ~~including, but~~ to the extent that the partially impervious surface does not allow water to infiltrate through the surface to the subsoil. *Built-upon area* includes but is not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. ^{“Built-upon area”} does not include a ~~wooden~~ slatted deck, the water area of a swimming pool, ~~a surface of number 57 stone, as designated by the American Society of Testing and Materials, laid at least four inches thick over a geotextile fabric, or a trail as defined in G.S. 113A-85 that is either unpaved or pave as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).~~

Curb Outlet System

Constructed curb and gutter with breaks or other outlets used to convey stormwater runoff to vegetated conveyances or other vegetated areas.

Department

The North Carolina Department of ~~Environment~~ Environmental Quality.

Design Manual

A single document or manual or collection of documents and manuals referenced by the Town containing policy, criteria, and information, including technical specifications and standards, for designing and operating ~~sSCMs~~ and any conveyances, appurtenances, or other structures to or from the BMP. All references herein to the *Design Manual* are to the latest published edition or revision.

Development

Any land-disturbing activity that increases the amount of *built-upon area* or that otherwise decreases the infiltration of precipitation into the ~~soil~~ subsoil. When additional development occurs at a site that has existing development, the built-upon area of the existing development shall not be included in the density calculations for additional stormwater control requirements, and stormwater control requirements cannot be applied retroactively to existing development, unless otherwise required by federal law

Division

The Division of Energy, Mineral and Land Resources in the *Department*.

Future Service Area

The land area located in Cabarrus County that the Town of Harrisburg could potentially provide municipal services and governance to in the future. This Ordinance will be administered throughout. This area should not be confused with the municipal limits or the extra-territorial jurisdiction area of the Town.

Larger common plan of development or sale

Any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

Owner

The legal or beneficial owner of land, including but not limited to a mortgagee or vendee in possession, receiver, executor, trustee, or long-term or commercial lessee, or any other person or entity holding proprietary rights in the property or having legal power of management and control of the property. Owner shall include long-term commercial tenants; management entities, such as those charged with or engaged in the management of properties for profit; and every person or entity having joint ownership of the property. A secured lender not in possession of the property does not constitute an owner, unless the secured lender is included within the meaning of owner under another description in this definition, such as a management entity.

Project

Means the proposed development activity for which an applicant is seeking a stormwater permit from the state or other entity in accordance with this Section. "Project" shall exclude any land adjacent to the area disturbed by the project that has been counted as pervious by any other development regulated under a federal, State, or local stormwater regulation. Owners and developers of large developments consisting of many linked projects may consider developing a master plan that illustrates how each project fits into the design of the large development.

Redevelopment

Any ~~development on previously developed land, other than a rebuilding-disturbing~~ activity that ~~results does not result~~ in ~~no~~ net increase in built-upon area and ~~that~~ provides ~~equal or~~ greater or equal stormwater control ~~than to that of~~ the previous development.

Riparian

Of or pertaining to the landscape interface between an upland area and a flowing surface water body. Riparian areas exhibit their own significance in geography, particularly ecology and hydrology, which are significantly influenced by its relationship with the surface water body.

Runoff Treatment

Means by which the volume of stormwater runoff generated from all of the built-upon area of a project at build-out during a storm of the required storm depth is treated in one or more primary SCMs or a combination of Primary and Secondary SCMs that provides equal or better treatment.

Runoff Volume Match

Means that the annual runoff volume after *development* shall not be more than ten percent higher than the annual runoff volume before *development*.

Sheet Flow

Conveyance of surface water or runoff at a depth significantly less than the width of the flow path on which it flows. Sheet flow is maintained until the flow begins to concentrate into rills or micro-channels. The purpose for sheet flow in regards to this Ordinance is that sheet flow maintains a lower energy and higher surface area of contact with the flow path than concentrated flow.

Stormwater Control Measures

Means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof. Also known as SCM, Best Management Practice or BMP.

Substantial progress

For the purposes of determining whether sufficient progress has been made on an approved plan, one or more of the following construction activities toward the completion of a site or subdivision plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty (30) days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. Substantial progress for purposes of determining whether an approved plan is null and void is not necessarily the same as substantial expenditures used for determining vested rights pursuant to applicable law.

SECTION 7: ILLICIT DISCHARGES

701 ILLICIT DISCHARGES AND CONNECTIONS

(A) Illicit Discharges

No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater.

(B) Non-Stormwater Discharges

Non-stormwater discharges associated with the following activities, as specified in 40 CFR 122.26, are allowed, provided that they do not significantly impact water quality:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows;
- (4) Rising ground waters;
- (5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));
- (6) Uncontaminated pumped ground water;
- (7) Discharges from potable water sources;
- (8) Foundation drains;
- (9) Air conditioning condensation;
- (10) Irrigation water;
- (11) Springs;
- (12) Water from crawl space pumps;
- (13) Footing drains;
- (14) Lawn watering;
- (15) Individual residential and charity car washing;
- (16) Flows from *riparian* habitats and wetlands;
- (17) Dechlorinated swimming pool discharges;
- (18) Street wash water; and
- (19) Flows from firefighting activities

(19) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by Town.

Prohibited substances include but are not limited to oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(C) Illicit Connections

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property *owner* or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Where it is determined that said connection:

- a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or
- b. Was made in violation of any applicable regulation or ordinance, other than this section;

The Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:

1. The quantity and complexity of the work,
2. The consequences of delay,
3. The potential harm to the environment, to the public health, and to public and private property, and
4. The cost of remedying the damage.

(D) Spills

Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Town's Fire Department of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability, which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability that may be imposed by State or other law.

(E) Nuisance

When illicit discharges and illicit connections, which exist within the Town, are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Chapter 920 of the Town's Code of Ordinances.



TOWN OF HARRISBURG

Agenda Item Details

Title:

Public hearing to consider amending the rezoning conditions for the Harrisburg Town Center project (H 2018-14 (R)).

Presenting Personnel:

Sushil Nepal, Planning & Economic Development Director

Suggested Motion or Action:

If approved, the following motion is suggested:

To approve extending the timeline for the Rezoning Condition #15 by 12-months, to end on December 31, 2020 for the Harrisburg Town Center project (H 2018-14-R).

Description/Background:

Town Council approved the rezoning request H2018-14-(R) at the May 13, 2019 meeting. The approval was to rezone 15.03 acres property in Harrisburg Town Center (PIN #55079703680000 & 55078785890000) from Planned Unit Development (PUD) to Conditional City Center (CZ-CC). The rezoning was approved with following conditions:

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees not to use vinyl siding and utilize high quality building materials for all buildings. All architectural design and building elevations shall be submitted to the town for review and approval.
3. Applicant agrees to restrict outside storage.
4. Applicant agrees to continued maintenance of buildings and grounds in the form of deed restrictions, establishment of HOA or restrictive covenants recorded and will run with the land.
5. Applicant agrees to contribute proportionate funds to the Towns' regional storm water management system servicing the proposed Town Center Development.
6. Applicant agrees to contribute funds for onsite and off-site roadway improvements documented in the Traffic Impact Analysis (TIA) directly related to proposed development.
7. Applicant reserves the right to combine Buildings 10 and 11 contingent on future market demand. Additionally, the Applicant reserves the right to renovate or demolish and rebuild in place Building 13 dependent upon future structural investigations of the existing structure. Any changes will need to be reviewed and approved by the Town.
8. Applicant agrees to build a maximum of 333 residential units and 829,600 square feet of mixed use. Applicant reserves the right to trade up to 10% of the gross floor area of proposed office use to retail use and/or trade up to 20% of the gross floor area of proposed retail use to office use. Any changes will need to be reviewed and approved by the Town.
9. Applicant agrees to build approximately 15,000 square feet Public Green Space and 9,000 square feet Central Plaza at no cost to the Town. Applicant will provide approximately 19,500 square feet for the Art Center. The Applicant reserves the right to arrange the program, operate and control the use of these spaces within the limits of Federal, State and Local laws and shall not conflict with Town's Park and Recreation Programs.
10. Applicant agrees that parking for each phase will be reviewed and approved as part of site plan and appropriate temporary surface parking lots in lieu of parking garages to support early phases of development.
11. Applicant agrees that loading/unloading spaces on the street will be serviced at night time off-hours.
12. Applicant shall be permitted to convert Professional Blvd and Physicians Blvd as a pedestrian friendly and a living streets and may be temporarily closed for special events in accordance with Town's Street Closure Guidelines.
13. Applicant shall be permitted to allow retail spaces for Pharmacies, Health and Personal Care Stores to the extent that such uses are not stand-alone buildings but are integrated within the mixed-use buildings.

14. Applicant shall be permitted for ground floor residential on Building 17 on Parcel 4, where the building is designed to setback from the street and have a central courtyard and the ground floor of building 16 and 18 on Parcel 4 shall be restricted to retail, office and other commercial uses.
15. Applicant agrees that the zoning shall revert to its original PUD if the Applicant fails to close the land purchase by December 31, 2019.

The applicant is in the process of securing loan to purchase the above-mentioned parcels and close on the property, currently in discussion with various lenders. To assist with property acquisition, Town Council also approved a short-term loan of \$3 million to the applicant at the October 14, 2019 meeting - this loan has yet to be disbursed to the applicant.

The applicant and property owner reached out to the Town requesting an extension of Condition #15 to allow both parties the opportunity to close on the property. If Condition #15 is not extended, the approved Center City rezoning on the property will expire and will revert back to the original Planned Unit Development (PUD).

If the zoning is reverted back to the PUD, any new development of the site outside of the PUD allowances would be required to begin the rezoning process over from the beginning. With both the applicant and the property owner both interested in moving the Town Center project forward, reverting back to the PUD would not be beneficial to either party.

The applicant and property owner are requesting the rezoning condition #15 "**Applicant agrees that the zoning shall revert to its original PUD if the Applicant fails to close the land purchase by December 31, 2019**" be extended by 12-months, to then revert back to the original PUD if closing on the property is not concluded by December 31, 2020.

Recommendation:

The 12-month timeline extension for Condition #15 has no impact to the intent of the approved rezoning, and the previously approved site plan remains unchanged. Planning and Zoning Department staff recommends approval of the 12-month extension to Condition #15 for the Harrisburg Town Center project (H 2018-14-R).

Fiscal Impact:

The timeline extension to Condition #15 has no financial impact to the Town. It will however, allow more time for the applicant and property owner to secure financial means to redevelop the Town Center as approved by the Town Council, dramatically increasing the Town's tax base and establishing a vibrant downtown with office, retail and residential uses.

Attachments:

1. Rezoning Approval Letter- TownCenter Rezoning 5.14.19
2. Town Center Site Plan_AllCombined



May 14, 2019

Tony Zhang
CapitalNexus LLC / Redtown Investment LLC
2101 Queens Rd West
Charlotte, NC 28207

Mr. Zhang,

This letter is to inform you that the rezoning request H2018-14-(R) was **approved** by the Town Council on Monday, May 13th, 2019 meeting.

This property is located at parcel PIN# 55079703680000 & 55078785890000, generally on the northeast and southeast corner of the intersection of Roberta Drive and Main Street, centered in town center. The rezoning request H2018-14-(R) was to rezone 15.03 acres from PUD, Planned Unit Development to CZ-CC, Conditional City Center. The rezoning was approved with the following conditions.

1. Applicant agrees to obtain any and all applicable local, state, and federal permits required for development before any development activity can take place.
2. Applicant agrees not to use vinyl siding and utilize high quality building materials for all buildings. All architectural design and building elevations shall be submitted to the town for review and approval.
3. Applicant agrees to restrict outside storage.
4. Applicant agrees to continued maintenance of buildings and grounds in the form of deed restrictions, establishment of HOA or restrictive covenants recorded and will run with the land.
5. Applicant agrees to contribute proportionate funds to the Towns' regional storm water management system servicing the proposed Town Center Development.
6. Applicant agrees to contribute funds for onsite and off-site roadway improvements documented in the Traffic Impact Analysis (TIA) directly related to proposed development.
7. Applicant reserves the right to combine Buildings 10 and 11 contingent on future market demand. Additionally, the Applicant reserves the right to renovate or demolish and rebuild in place Building 13 dependent upon future structural investigations of the existing structure. Any changes will need to be reviewed and approved by the Town.
8. Applicant agrees to build a maximum of 333 residential units and 829,600 square feet of mixed use. Applicant reserves the right to trade up to 10% of the gross floor area of proposed office use to retail use and/or trade up to 20% of the gross floor area of proposed retail use to office use. Any changes will need to be reviewed and approved by the Town.
9. Applicant agrees to build approximately 15,000 square feet Public Green Space and 9,000 square feet Central Plaza at no cost to the Town. Applicant will provide approximately 19,500 square feet for the Art Center. The Applicant reserves the right to arrange the program, operate and control the



use of these spaces within the limits of Federal, State and Local laws and shall not conflict with Town's Park and Recreation Programs.

10. Applicant agrees that parking for each phase will be reviewed and approved as part of site plan and appropriate temporary surface parking lots in lieu of parking garages to support early phases of development.
11. Applicant agrees that loading/unloading spaces on the street will be serviced at night time off-hours.
12. Applicant shall be permitted to convert Professional Blvd and Physicians Blvd as a pedestrian friendly and a living streets and may be temporarily closed for special events in accordance with Town's Street Closure Guidelines.
13. Applicant shall be permitted to allow retail spaces for Pharmacies, Health and Personal Care Stores to the extent that such uses are not stand-alone buildings but are integrated within the mixed-use buildings.
14. Applicant shall be permitted for ground floor residential on Building 17 on Parcel 4, where the building is designed to setback from the street and have a central courtyard and the ground floor of building 16 and 18 on Parcel 4 shall be restricted to retail, office and other commercial uses.
15. Applicant agrees that the zoning shall revert to its original PUD if the Applicant fails to close the land purchase by December 31, 2019

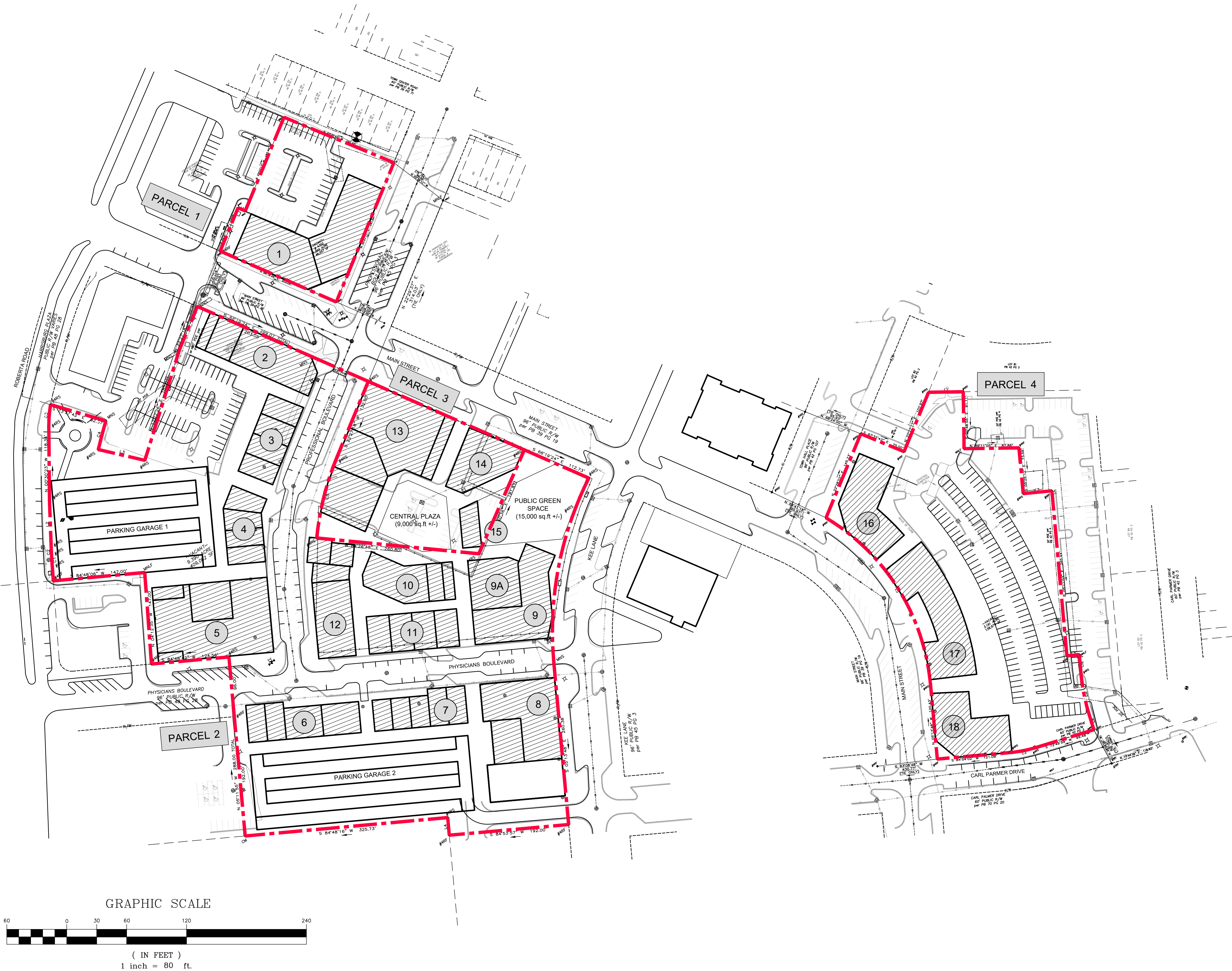
You may continue with Site Plan review for approval through the Town of Harrisburg Planning and Zoning Department, the next step is to submit Preliminary Plat for review that meets the above conditions.

If you have any questions or concerns, please let me know.

Sincerely,

Sushil Nepal

Sushil Nepal, AICP
Planning & Economic Development Director
Town of Harrisburg



PROGRAM:

Land Information			
Parcel Number	Acreage	Sq.F	Building Area(sf)
1	1.069	46,557	76,000
2	9.390	409,062	514,100
3	1.380	60,113	88,200
4	3.191	138,979	151,300
Total	15.03	654,711	829,600

Land Use Information	
Site area	15.03 Acres
Gross Building Area	829,600 Sq Feet
Total dwelling units	333 Units
Total Parking Spaces:	1,155 Spaces

Overall (Parcel 1-4)						
Uses	Building Areas(sf)	Percentage (%)	Housing Units	Parcel Area (acres)	FAR	Residential Density (Units/Acre)
Retail/Commerical	176,300	21%	333	15.03	1.27	22.2
Office	148,000	18%				
Art Center	19,500	2%				
Residential	485,800	59%				
Total Mixed-use Areas	829,600	100%				
Open Space	196,200					
Percentage of Open Space	30.0%					
Parking Space	1,155 Spaces, including 635 off-street Parking and 520 On-street Parking					
Loading Space	24					

SURVEY:

LEGEND

---	PARCEL BOUNDARY
RF	REBAR FOUND
RS	REBAR SET
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
FS	FRONT SETBACK
RY	REAR YARD
SY	SIDE YARD
PDE	PUBLIC DRAINAGE EASEMENT
SDE	STORM DRAIN EASEMENT
MNLF	MAG NAIL FOUND
CM	CONCRETE MONUMENT
CP	COMPUTED POINT
MNS	MAG NAIL SET
-X-	CHAINLINK FENCE
⊕	FIRE HYDRANT
⊕	WATER VALVE
⊕	LIGHT POLE
⊕	SANITARY SEWER MANHOLE
⊕	CATCH BASIN
⊕	CLEAN OUT
⊕	HANDICAPPED PARKING
⊕	DROP INLET
⊕	STORM DRAIN MANHOLE

NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AN RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF THE TOWN OF HARRISBURG. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. NO NCGS MONUMENT FOUND WITHIN 2000 FEET.
9. SETBACKS SHOWN ARE per CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
10. SUBJECT PROPERTY ZONED PUD.

SITE NOTES:

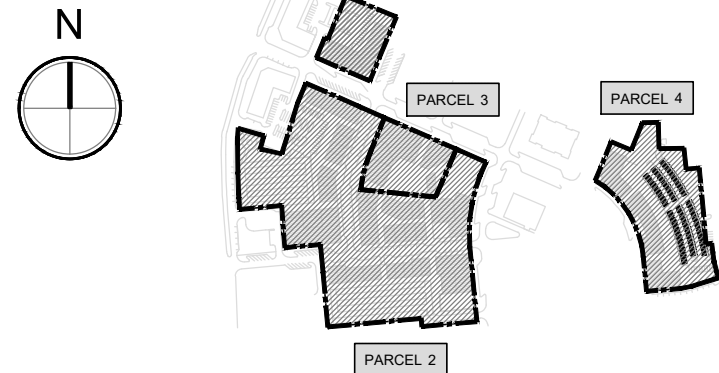
BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED PUD
FRONT: 0 FEET
SIDE YARD: 10 FEET
REAR YARD: 0 FEET

FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL 37105507000, DATED: NOVEMBER 5, 2008.

PHYSICAL SURVEY
AT PROPERTY KNOWN AS
4350 MAIN STREET
PARCEL # 55079703680000
BEING THE REMAINING PORTION OF DB 9479 PG 195
TOWN OF HARRISBURG, CABARRUS COUNTY, NC
DATE: OCTOBER 9, 2018

PHOENIX LAND SURVEYING, INC
3318 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912
Land Surveying FIELD WORK: JLR-M-W-MPHS # 02
Land Planning PROJ # 688-3701 1.06 ACRE HARRISBURG TOWN CENTER

KEY PLAN



SITE PLANNER :

International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE :

REZONING
OVERALL SITE PLAN

SCALE : 1" = 80'

DATE : March 12, 2019

DESIGN BY

DRAWN BY

CHECKED BY

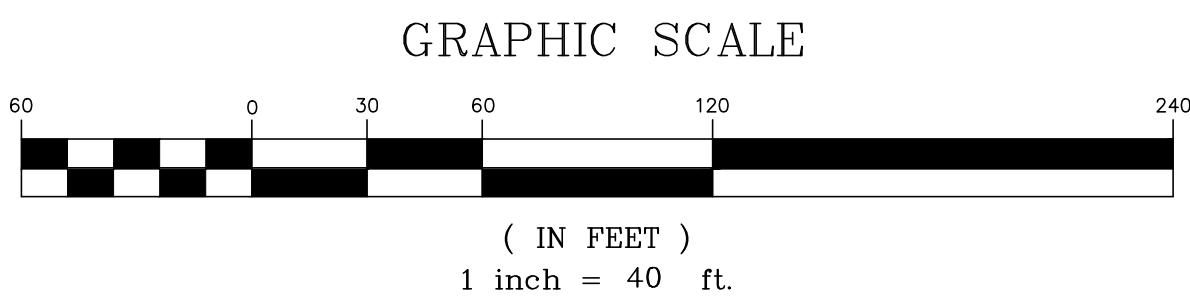
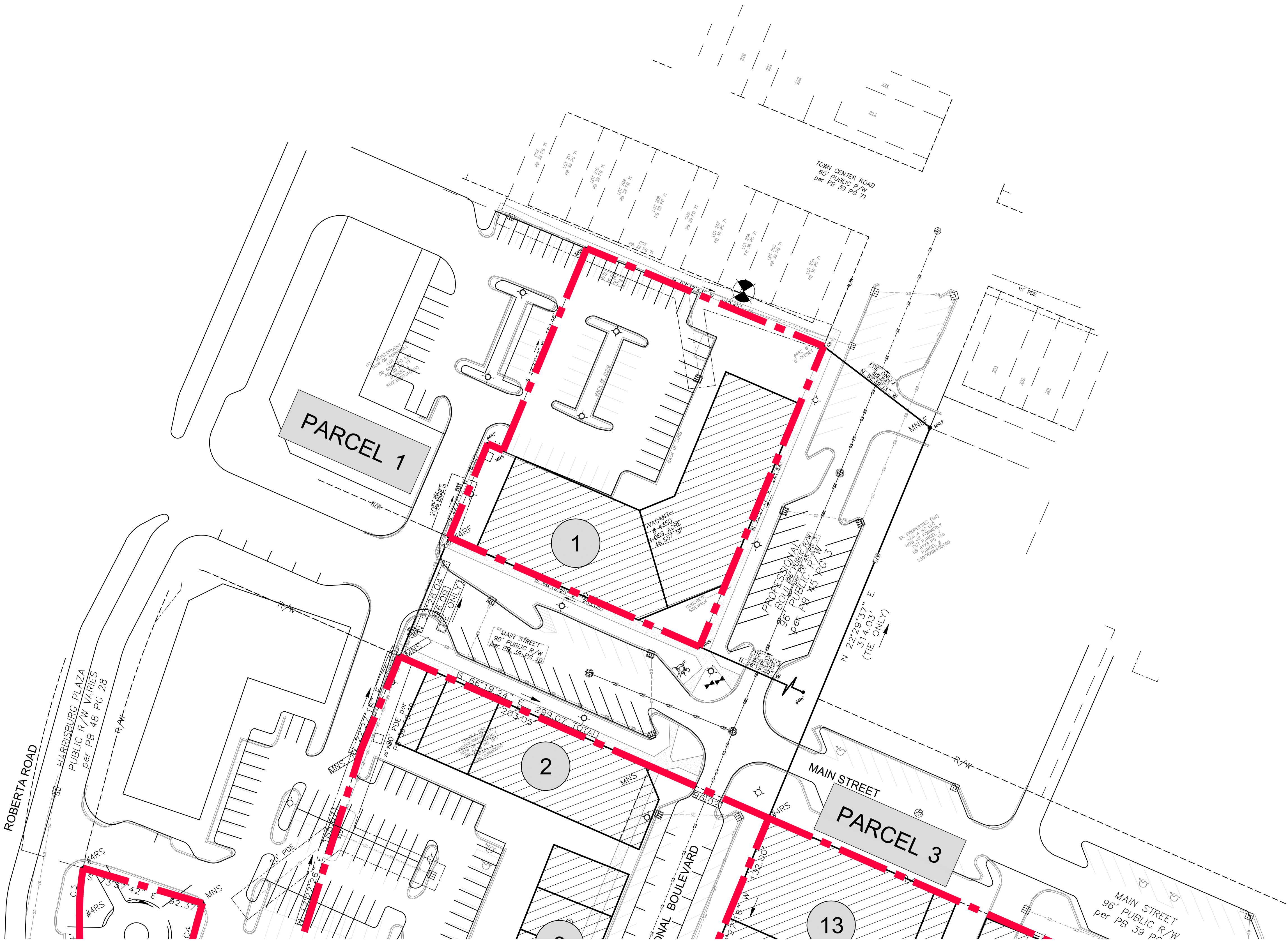
APPROVED BY

NOTE:

DRAWING No.

FIG.1

TOTAL :



PROGRAM:

PARCEL 1 PROGRAM:

Parcel 1					
Uses	Building Areas(sf)	Housing Units	Parcel Area (acres)	FAR	Residential Density (Units/Acre)
Retail/Commercial	19,000	39	1.069	1.63	36.5
Residential	57,000				
Total Mixed-use Areas	76,000				
Open Space	8,700				
Percentage of Open Space	18.7%				
Parking Space (Off-street)	44				
Loading Space	2				

SURVEY:

LEGEND

---	PARCEL BOUNDARY
RF	REBAR FOUND
RS	REBAR SET
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
FS	FRONT SETBACK
RY	REAR YARD
SY	SIDE YARD
PDE	PUBLIC DRAINAGE EASEMENT
SDE	STORM DRAIN EASEMENT
MNLF	MAG NAIL FOUND
CM	CONCRETE MONUMENT
CP	COMPUTED POINT
MNS	MAG NAIL SET
-X-	CHAINLINK FENCE
	FIRE HYDRANT
	WATER VALVE
	LIGHT POLE
	SANITARY SEWER MANHOLE
	CATCH BASIN
	CLEAN OUT
	HANDICAPPED PARKING
	DROP INLET
	STORM DRAIN MANHOLE

NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF THE TOWN OF HARRISBURG. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. NO NCGS MONUMENT FOUND WITHIN 2000 FEET.
9. SETBACKS SHOWN ARE PER CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
10. SUBJECT PROPERTY ZONED PUD.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 66°19'25" W	12.55'

SITE NOTES:

BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED PUD
FRONT: 0 FEET
SIDE YARD: 10 FEET
REAR YARD: 0 FEET

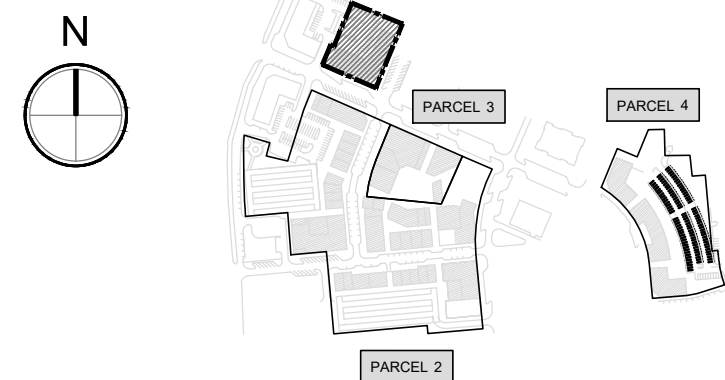
FLOOD NOTE:

NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710550700J, DATED: NOVEMBER 5, 2008.

PHYSICAL SURVEY
AT PROPERTY KNOWN AS
1.069 ACRES
4350 MAIN STREET
PARCEL # 55079703680000
BEING THE REMAINING PORTION OF DB 9479 PG 195
TOWN OF HARRISBURG, CABARRUS COUNTY, NC
DATE: OCTOBER 9, 2018

PHOENIX LAND SURVEYING, INC.
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912
FIELD WORK: SURVEYING, MAPPING, E.T. DZ
PROJ. # 628-3701 1.06 ACRE HARRISBURG TOWN CENTER

KEY PLAN



SITE PLANNER :

International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE :

REZONING
PARCEL 1 SITE PLAN

SCALE : **1" = 40'**

DATE : **March 12, 2019**

DESIGN BY

DRAWN BY

CHECKED BY

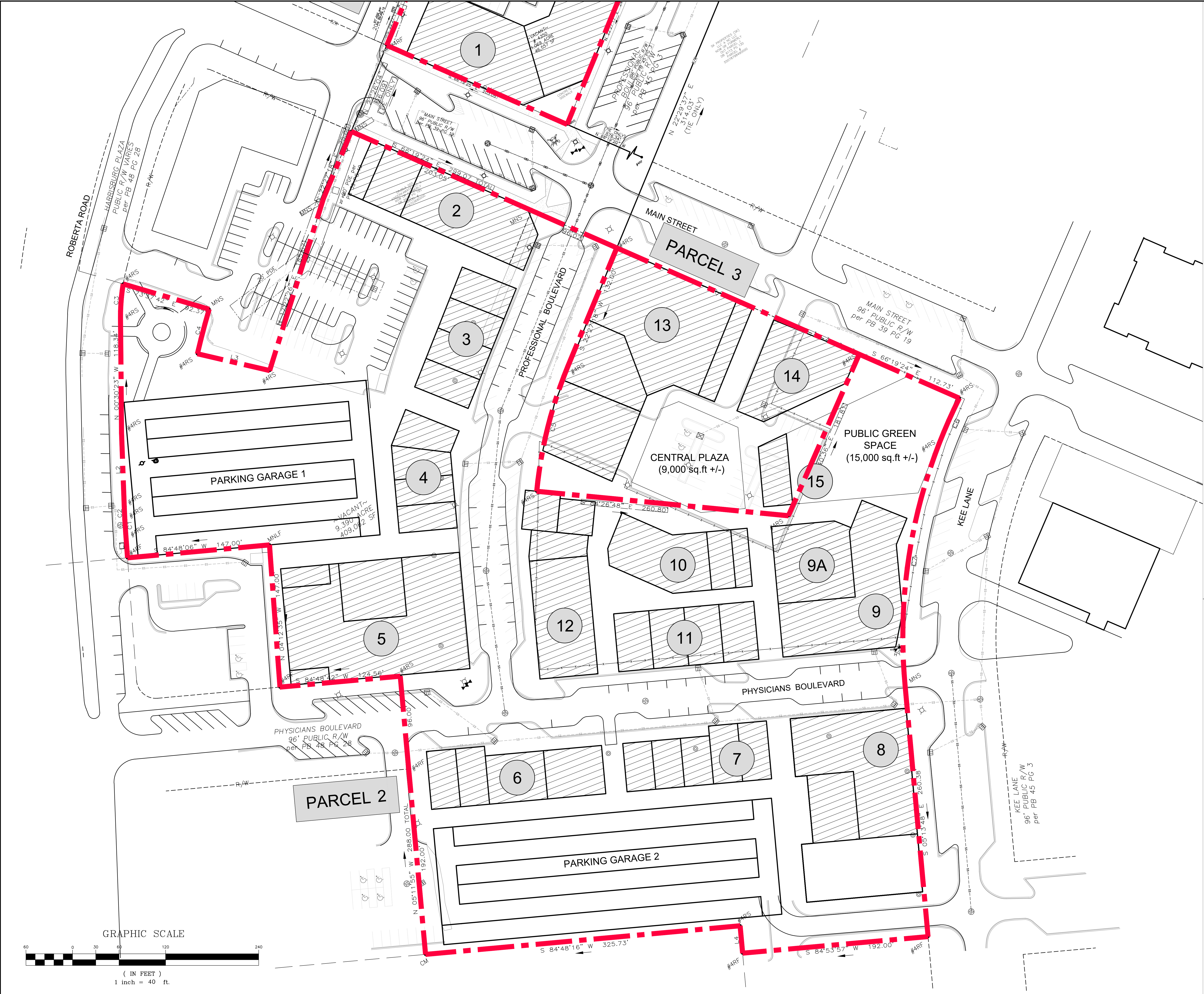
APPROVED BY

NOTE:

DRAWING No.

FIG.2

TOTAL :



PROGRAM:

PARCEL 2 PROGRAM:

Parcel 2	Uses	Building Area(sqf)	Housing Units	Parcel Area (acres)	FAR	Residential Density (Units/Acre)
	Retail/Commercial	116,300	199	9.390	1.26	21.2
	Office	91,800				
	Art Center	19,500				
	Residential	286,500				
	Total Mixed-use Areas	514,100				
	Open Space	117,000				
	Percentage of Open Space	28.6%				
	Parking Space (Off-street)	446				
	Loading Space	15				

PARCEL 3 PROGRAM:

Parcel 3						
Uses	Building Areas(sq)	Housing Units	Parcel Area (acres)	FAR	Residential Density (Units/Acre)	
Retail/Commercial	32,000	0	1.380	1.47	0.0	
Office	56,200					
Total Mixed-use Areas	88,200					
Open Space						
		22,000				
Percentage of Open Space		36.6%				
Parking Space (Off-street)		0				
Loading Space		3				

SURVEY:

LEGEND

- RF REBAR FOUND
- RS REBAR SET
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
- FC FRONT SETBACK
- RY REAR YARD
- SY SIDE YARD
- PDE PUBLIC DRAINAGE EASEMENT
- SDE STORM DRAIN EASEMENT
- MNLF MAG NAIL FOUND
- CM CONCRETE MONUMENT
- CP COMPUTED POINT
- MNS MAG NAIL SET
- X CHAINLINK FENCE
- FIRE HYDRANT
- WATER VALVE
- LIGHT POLE
- SANITARY SEWER MANHOLE
- CATCH BASIN
- CLEAN OUT
- HANDICAPPED PARKING
- DROP INLET
- STORM DRAIN MANHOLE

- NOTES
1. AREA CALCULATED BY COORDINATE COMPUTATION.
 2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY.
 3. IRON RODS AT ALL CORNERS UNLESS NOTED.
 4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AN RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
 5. ALL DISTANCES ARE HORIZONTAL. GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
 6. LOT SUBJECT TO ALL ZONING ORDINANCES OF THE TOWN OF HARRISBURG. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
 7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
 8. NO NCCS MONUMENT FOUND WITHIN 2000 FEET.
 9. SETBACKS SHOWN ARE PER CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
 10. SUBJECT PROPERTY ZONED PUD.

SITE NOTES:

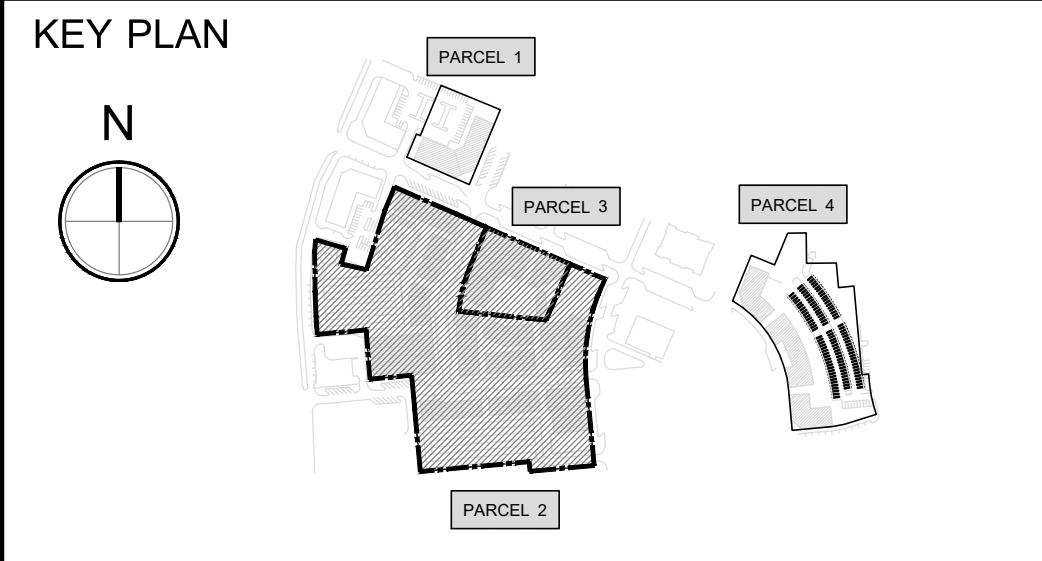
BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED PUD
FRONT: 0 FEET
SIDE YARD: 10 FEET
REAR YARD: 0 FEET

FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710550700J, DATED: NOVEMBER 5, 2008.

PHYSICAL SURVEY
AT PROPERTY KNOWN AS
9.391 ACRES
6447 KEE LANE
PARCEL # 5507970369000
BEING A REMAINING PORTION OF DB 9479 PG 195
TOWN OF HARRISBURG, CABARRUS COUNTY, NC
DATE: OCTOBER 9, 2016

PHOENIX LAND SURVEYING, INC.
1316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704) 335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3512

Land Surveying FIELD WORK: SURVEY, MAPPING, IF, DZ
Land Planning PROJ # 198-369-2731 ACRES: 1.38



SITE PLANNER :

International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION		
No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE : REZONING PARCEL 2 & 3 SITE PLAN

SCALE : 1" = 40'

DATE : March 12, 2019

DESIGN BY

DRAWN BY

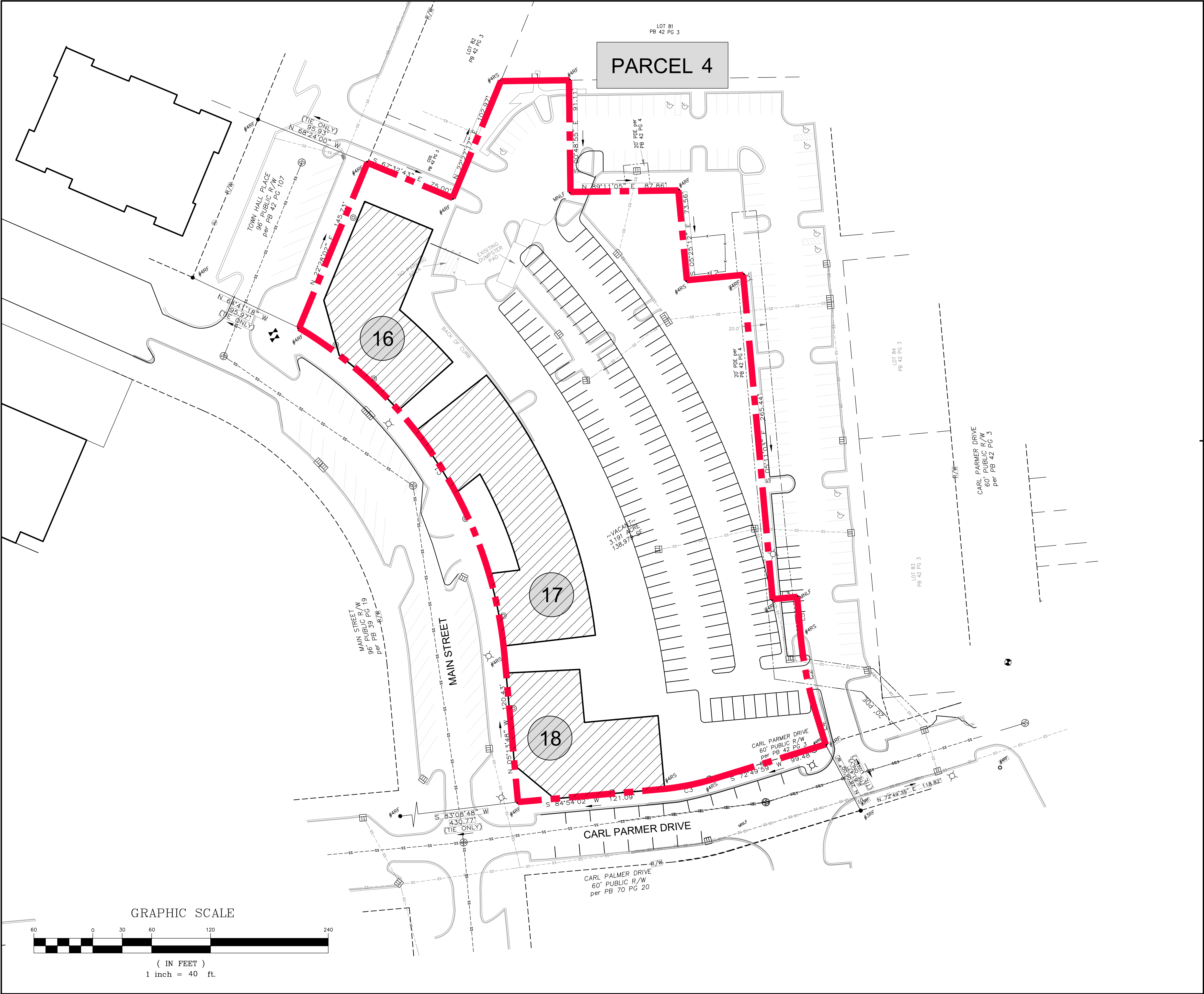
CHECKED BY

APPROVED BY

NOTE:

DRAWING No. FIG.3

TOTAL :



PROGRAM:
PARCEL 4 PROGRAM:

Parcel 4					
Uses	Building Areas(sf)	Housing Units	Parcel Area (acres)	FAR	Residential Density (Units/Acre)
Retail/Commercial	9,000	95	3.191	1.09	29.8
Residential	142,300				
Total Mixed-use Areas	151,300				
Open Space		48,500			
Percentage of Open Space		34.9%			
Parking Space (Off-street)		145			
Loading Space		4			

SURVEY:

LEGEND

---	PARCEL BOUNDARY
RF	REBAR FOUND
RS	REBAR SET
R/W	RIGHT-OF-WAY
SF	SQUARE FEET
MB	MAP BOOK
DB	DEED BOOK
PG	PAGE
FS	FRONT SETBACK
RY	REAR YARD
SY	SIDE YARD
PDE	PUBLIC DRAINAGE EASEMENT
SDE	STORM DRAIN EASEMENT
MNLF	MAG NAIL FOUND
CM	CONCRETE MONUMENT
CP	COMPUTED POINT
MNS	MAG NAIL SET
-X-	CHAINLINK FENCE
	FIRE HYDRANT
	WATER VALVE
	LIGHT POLE
	SANITARY SEWER MANHOLE
	CATCH BASIN
	CLEAN OUT
	HANDICAPPED PARKING
	DROP INLET
	STORM DRAIN MANHOLE

NOTES

1. AREA CALCULATED BY COORDINATE COMPUTATION.
2. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM CABARRUS COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OF FORMERLY.
3. IRON RODS AT ALL CORNERS UNLESS NOTED.
4. THIS MAP IS SUBJECT TO ANY AND ALL APPLICABLE DEED RESTRICTIONS, EASEMENTS, RIGHT-OF-WAY, UTILITIES AND RESTRICTIVE COVENANTS AND PRELIMINARY PLAN WHICH MAY BE OF RECORD.
5. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC MEASURING DEVICES.
6. LOT SUBJECT TO ALL ZONING ORDINANCES OF THE TOWN OF HARRISBURG. BUILDER/OWNER MUST VERIFY THAT LOT IS IN COMPLIANCE WITH ALL COUNTY AND HOMEOWNERS ASSOCIATION ZONING ORDINANCES PRIOR TO ANY LAND DISTURBANCE OR CONSTRUCTION.
7. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH.
8. NO NCGS MONUMENT FOUND WITHIN 2000 FEET.
9. SETBACKS SHOWN ARE per CURRENT ZONING ORDINANCES UNLESS OTHERWISE NOTED.
10. SUBJECT PROPERTY ZONED PUD.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°11'05" E	55.53'
L2	N 84°34'48" E	46.12'
L3	N 84°48'57" E	20.00'
L4	S 17°10'25" E	25.95'
L5	S 05°11'03" E	30.47'

SITE NOTES:

BUILDING SETBACK REQUIREMENTS (MINIMUM) ZONED PUD
FRONT: 0 FEET
SIDE YARD: 10 FEET
REAR YARD: 0 FEET

FLOOD NOTE:
NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 3710550700J, DATED: NOVEMBER 5, 2008.

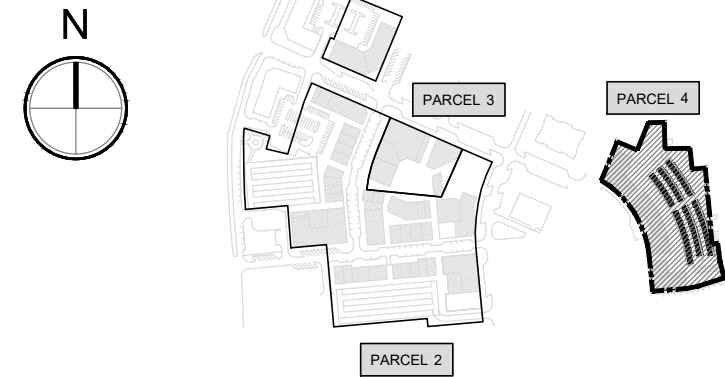
PHYSICAL SURVEY
AT PROPERTY KNOWN AS
3.191 ACRES
MAIN STREET
PARCEL # 55079703680000 DB 9479 PG 195
TOWN OF HARRISBURG, CABARRUS COUNTY, NC
FOR: HARRISBURG TOWN CENTER
DATE: OCTOBER 9, 2018



PHOENIX LAND SURVEYING, INC
3316 OLD MONROE ROAD
STALLINGS, NORTH CAROLINA 28104
PH: (704)-335-1655
EMAIL: INFO@PHOENIX-SURVEYING.COM
FIRM # C-3912

FIELD WORK: JLR/m- MAPPING: JF, DZ
PROJ # 698-03-01 HARRISBURG TOWN CENTER

KEY PLAN



SITE PLANNER :

International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE :
**REZONING
PARCEL 4 SITE PLAN**

SCALE : 1" = 40'

DATE : March 12, 2019

DESIGN BY
DRAWN BY
CHECKED BY
APPROVED BY

NOTE:

DRAWING No.

FIG.4

TOTAL :

	Footprint (Sq. feet)	Floors	Units	Total (Sq. feet)	Percentage (%)
Retail/Commercial 1 in Parcel 1	19,000	1.0		19,000	
Retail/Commercial 2 in Parcel 2	116,300	1.0		116,300	
Retail/Commercial 3 in Parcel 3	32,000	1.0		32,000	
Retail/Commercial 4 in Parcel 4	9,000	1.0		9,000	
Retail/Commercial Total				176,300	21%
Residential in Parcel 1	19,000	3.0	39	57,000	
Residential in Parcel 2	80,900	3.0 / 4.0	199	286,500	
Residential in Parcel 3	0	0	0	0	
Residential in Parcel 4	34,150	4.0/5.0	95	142,300	
Residential Total			333	485,800	59%
Office in Parcel 2	45,900	2.0		91,800	
Office in Parcel 3	28,100	2.0		56,200	
Office				148,000	18%
Art Center in Parcel 2	6,500	3.0		19,500	
Core Space Total				19,500	2%
Total Development Areas (Square feet)				829,600	100.0%
Total Site (Acres)	15.03				
FAR	1.27				
Total Parking Numbers on Site	1,155				
Total Loading Spaces on Site	24				
Open Space	Central Plaza	Green Space	Others	Total (Acres)	
Open Space Area (Acres)	0.207	0.528	3.770	4.505	30.0%

Development Phase 1	Retail	Residential	Office	Art Center
Parcel 3: Building 13,14,15 Green Space Central Plaza	32,000 SF 15,000 SF +/- 9,000 SF +/-		56,200 SF	
Parcel 4: Building 16,17,18	9,000 SF	142,300 SF		
Total Areas	239,500 SF			

Development Phase 2	Retail	Residential	Office	Art Center
Parcel 2: Building 9, 10, 11, 12 Garage 3, 100 Parking Spaces	28,400 SF		91,800 SF	19,500 SF
Total Areas	139,700 SF			

Development Phase 3	Retail	Residential	Office	Art Center
Parcel 1: Building 1	19,000 SF	57,000 SF		
Parcel 2: Building 2,3,4,5,6,7,8 Garage 1,2,340 Parking Spaces	87,900 SF	286,500 SF		
Total Areas	450,400 SF			

Land Use	Vehicle Spaces
Parking Space	
Residential	1,5/Unit
Retail	1 per 300 sf GFA
Office	1 per 200-1000 sf GFA
Dine-in restaurants	1 per 50-150 sf GFA
Health Club and Arts Space	1 per 500-650 sf GFA
Loading/unloading Space	
Retail and service establishments	1 loading space (12feet * 25 feet) per 20,000 GFA
Office buildings and lodging establishments	1 loading space (12feet * 25 feet) per 50,000 GFA

Land Use	Total Area (Sq. feet)	Parking Spaces Required	Loading Spaces Required
Retail/Commercial	176,300	588	9
Residential	485,800 (333 Units)	500	
Office	148,000	148	3
Art Center	19,500	30	
Total	829,600	1,265	

Type	Weekday				Weekend				Nighttime	
	Daytime		Evening		Daytime		Evening			
Reitals	60%	353	90%	529	100%	588	70%	412	5%	29
Residential	75%	375	100%	500	75%	375	100%	500	75%	375
Office	100%	148	10%	15	10%	15	5%	7	5%	7
Art Center	40%	12	100%	30	80%	24	100%	30	10%	3
	888		1,074		1,002		949		415	

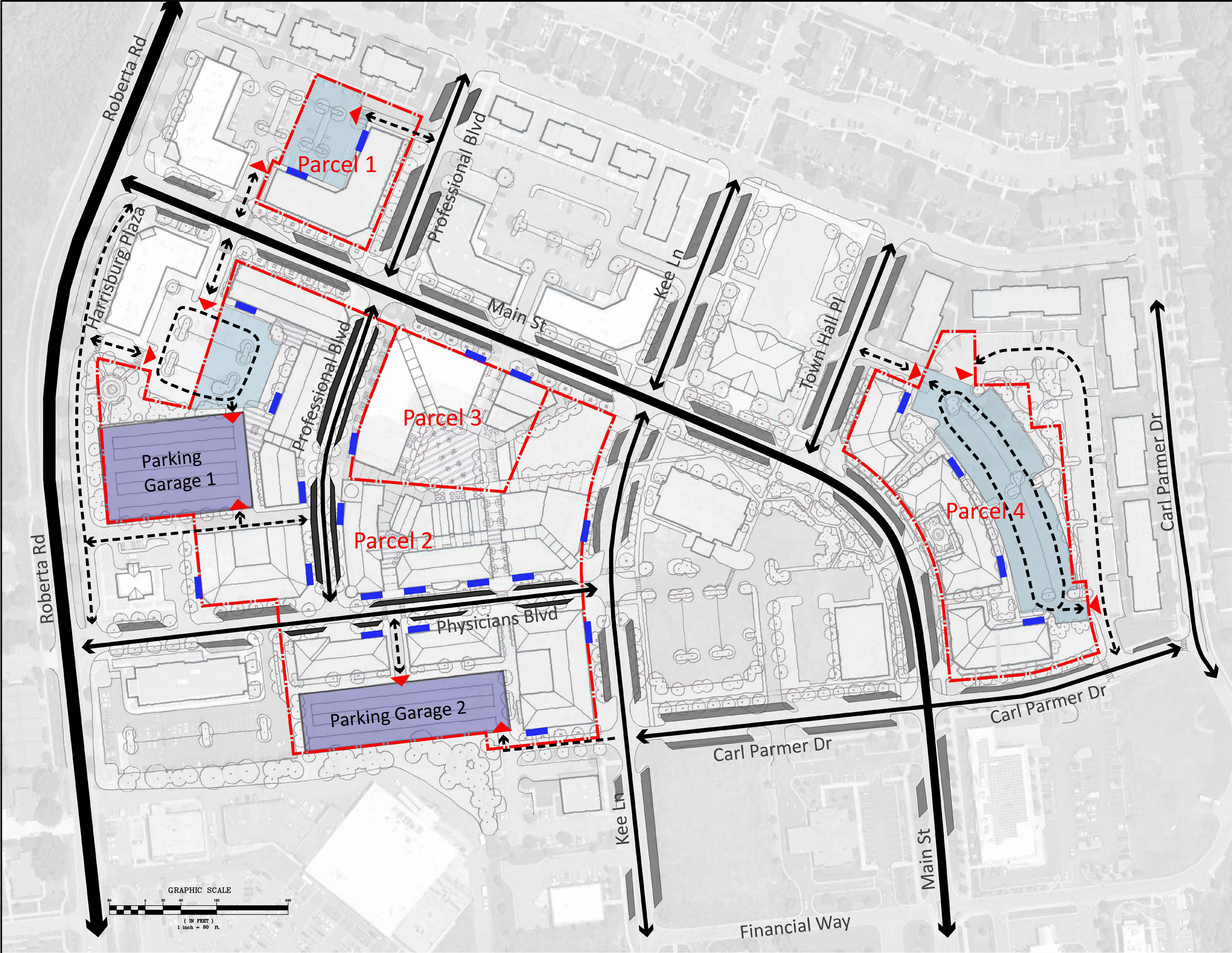
Garage Parking 1 (Label F)	140
Garage Parking 2 (Label G)	160
Garage Parking 3 (Proposed to be integrated with Art Center/Mixed Use Building)	100
Surface Parking in Parcel 1 (Existing Off-Street Parking)	44
Surface Parking in Parcel 2 (Modified Parking)	46
Surface Parking in Parcel 4 (Modified Parking)	145
On-Street Parking (Existing Diagonal Parking)	462
On-Street Parking (Modified Parallel Parking on Professional and Physician's Blvd)	58
Total Parking Numbers on Site	1,155
Loading Spaces (including 14 on-street loading and 9 back-street loading)	24

KEY PLAN 	SITE PLANNER :  International Place Design, LLC Land Planning and Landscape Architecture 50 Beharrell Street, Concord, MA 01742, USA Tel: 1-978-287-0900 Cell: 1-617-281-9445 Fax: 1-978-369-2731	CLIENT :	ARCHITECTS :			REVISION			NOTE :	DATE : March 12, 2019	DRAWING No.
		CapitalNexus LLC, Redtown Investment LLC			No.	DATE	DESCRIPTION	DRAWING TITLE : DESCRIPTION	DESIGN BY	FIG.5	
		PROJECT :	CIVIL ENGINEERS :			1					DRAWN BY
						2					CHECKED BY
						3					APPROVED BY
REZONING	TRAFFIC ENGINEERS :			4			SCALE :	NOTE:			



- LABELS:**
- 1. Mixed Use Building
 - 2. Mixed Use Building
 - 3. Mixed Use Building
 - 4. Mixed Use Building
 - 5. Mixed Use Building
 - 6. Mixed Use Building
 - 7. Mixed Use Building
 - 8. Mixed Use Building
 - 9. Mixed Use Building
 - 9A. Art Center
 - 10. Mixed Use Building
 - 11. Mixed Use Building
 - 12. Mixed Use Building
 - 13. Mixed Use Building
 - 14. Mixed Use Building
 - 15. Retail/Commercial
 - 16. Mixed Use Building
 - 17. Residential Building
 - 18. Mixed Use Building
-
- A. Main Street Entry
 - B. Public Green Space (15,000 sq.ft +/-)
 - C. Central Plaza (9,000 sq.ft +/-)
 - D. Pedestrian Street
 - E. Pedestrian Friendly Street
 - F. Off-street Parking 1
 - G. Off-street Parking 2

KEY PLAN	SITE PLANNER : International Place Design, LLC Land Planning and Landscape Architecture 50 Beharrell Street, Concord, MA 01742, USA Tel: 1-978-287-0900 Cell: 1-617-281-9445 Fax: 1-978-369-2731	CLIENT : CapitalNexus LLC, Redtown Investment LLC PROJECT : HARRISBURG TOWN CENTER Harrisburg, North Carolina REZONING	ARCHITECTS : CIVIL ENGINEERS : TRAFFIC ENGINEERS :	REVISION		NOTE : DRAWING TITLE : OVERALL LANDSCAPE PLAN SCALE : 1" = 80'	DATE : March 12, 2019 DESIGN BY DRAWN BY CHECKED BY APPROVED BY NOTE:	DRAWING No. FIG.6 TOTAL :
				No.	DATE			
				1				
				2				
				3				
				4				



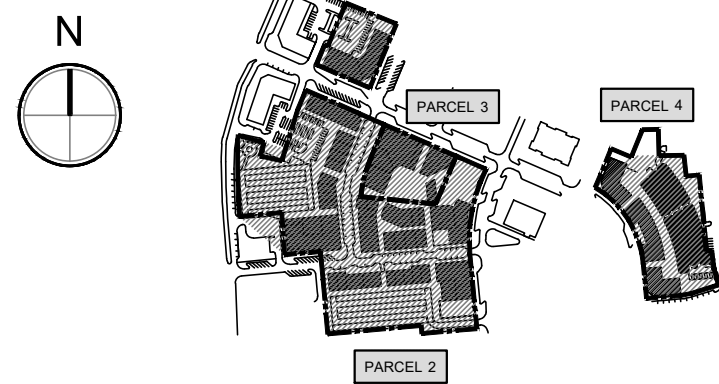
PARKING PROGRAM:

Garage Parking 1 (Label F)	140
Garage Parking 2 (Label G)	160
Garage Parking 3 (Proposed to be integrated with Art Center/Mixed Use Building)	100
Surface Parking in Parcel 1 (Existing Off-Street Parking)	44
Surface Parking in Parcel 2 (Modified Parking)	46
Surface Parking in Parcle 4 (Modified Parking)	145
On-Street Parking (Existing Diagonal Parking)	462
On-Street Parking (Modified Parallel Parking on Professional and Physican's Blvd)	58
Total Parking Numbers on Site	1,155
Loading Spaces	24

LEGEND

- Parcel Property Line
- Regional Road
- Primary Road
- Secondary Road
- Tertiary Road
- Parking Access
- Garage Parking
- Surface Parking
- On-Street Existing Diagonal Parking
- Modified Parallel Parking on Professional and Physican's Blvd
- Loading Spaces
(Loading Spaces on the main streets should be serviced at night time off-hours.)

KEY PLAN



SITE PLANNER :

Place International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE :
**VEHICULAR
CIRCULATION &
PARKING PLAN**

SCALE : 1" = 80'

DATE : March 12, 2019

DESIGN BY
DRAWN BY
CHECKED BY
APPROVED BY

NOTE:

DRAWING No.

FIG.7

TOTAL :



Woonerf Street Plan

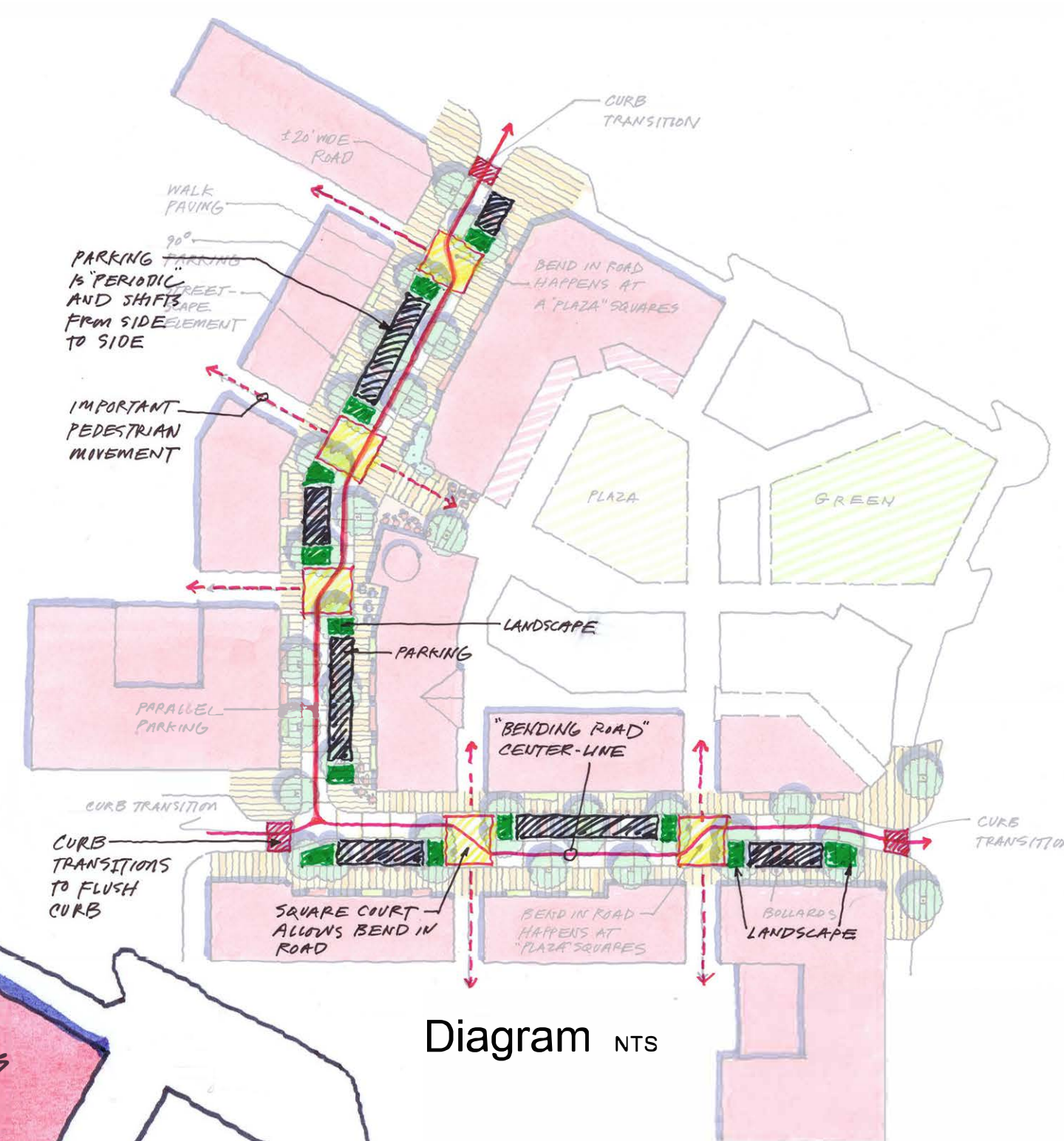
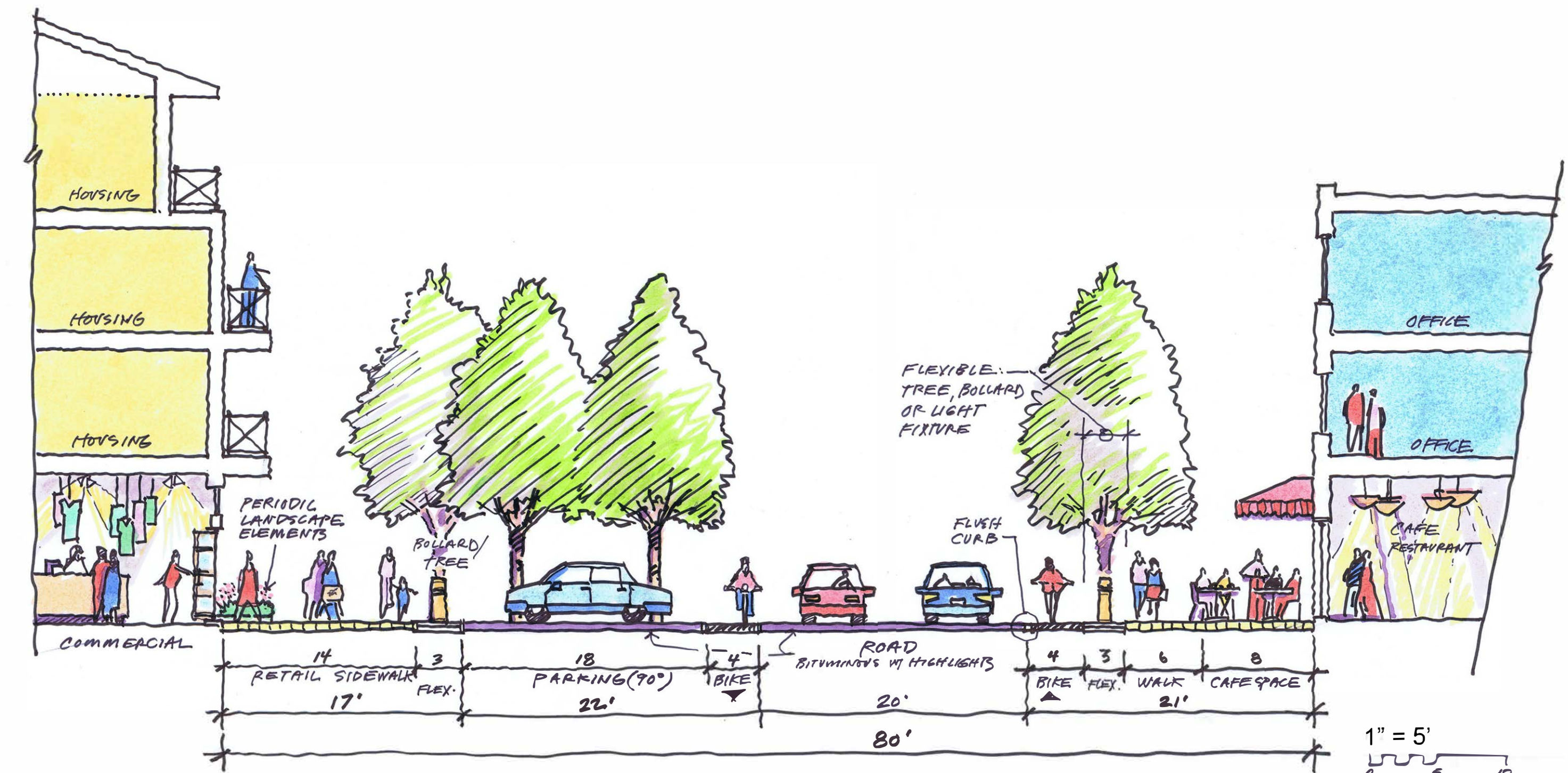


Diagram NTS

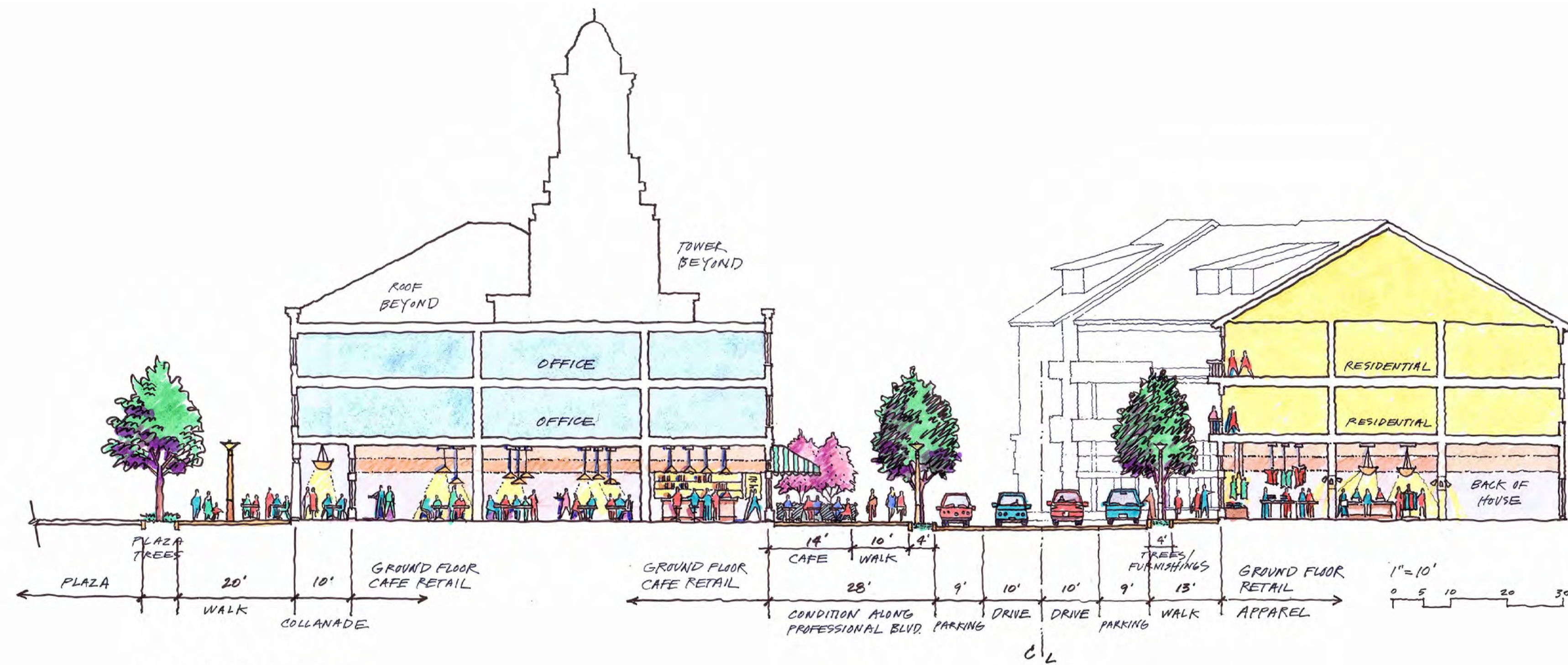


Woonerf Street Typical Section

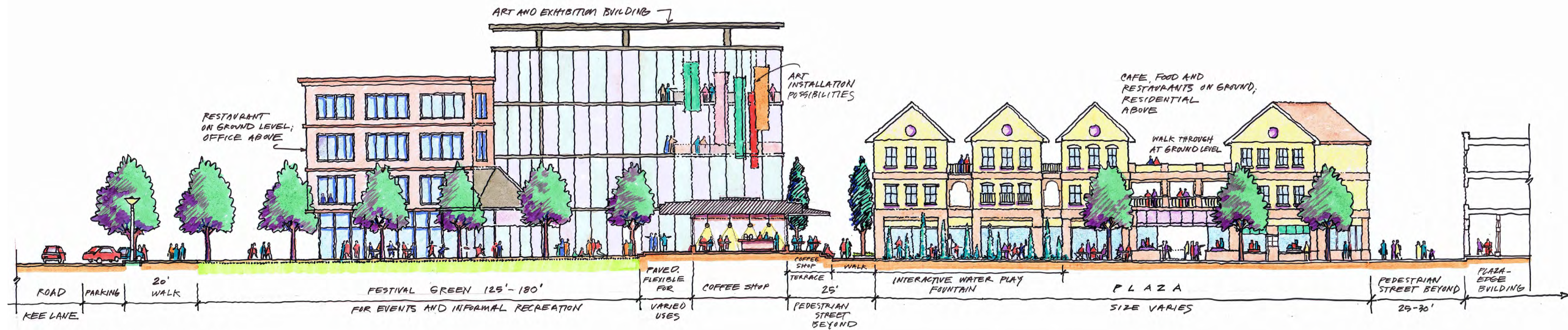
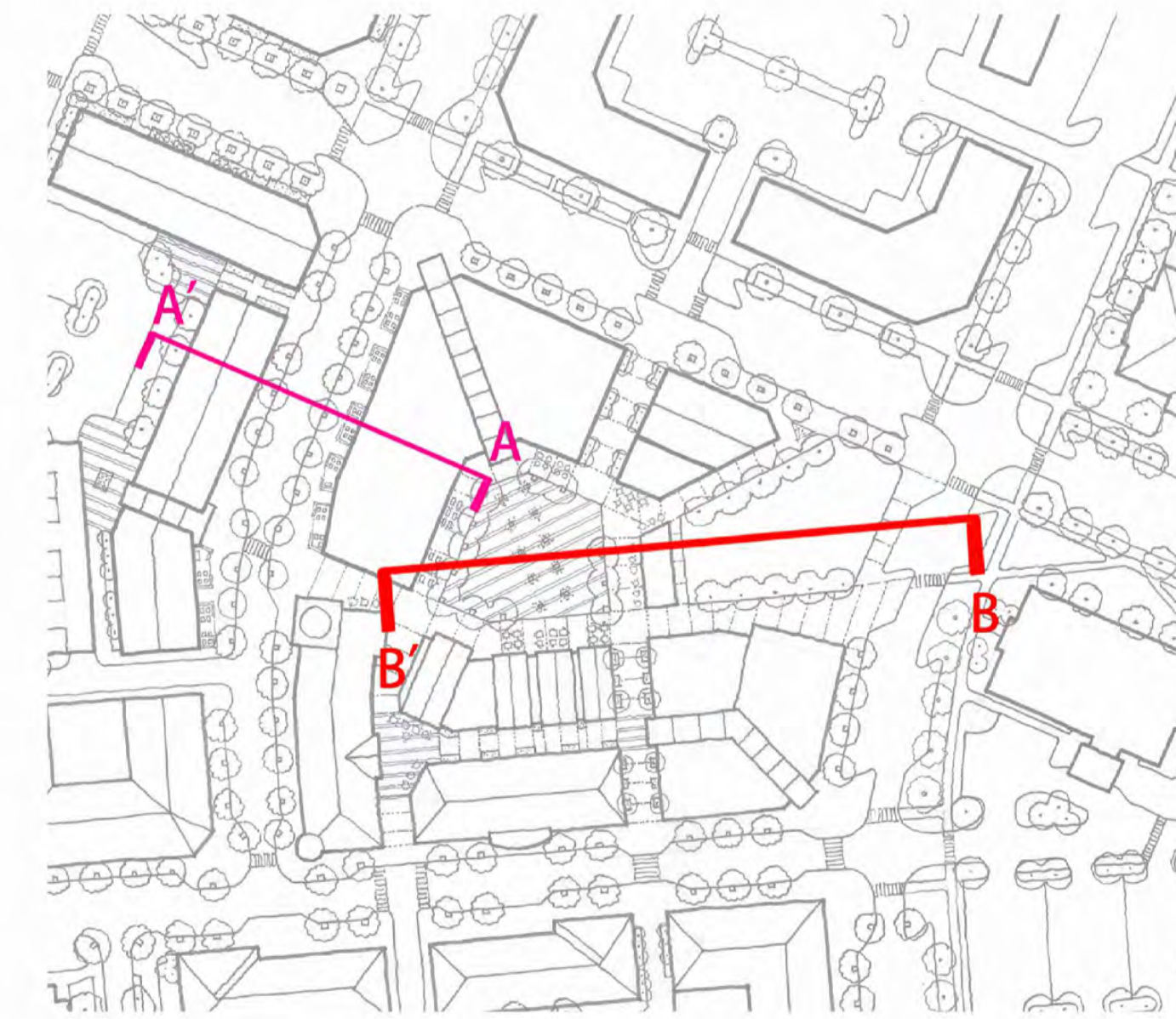


Woonerf Street Image

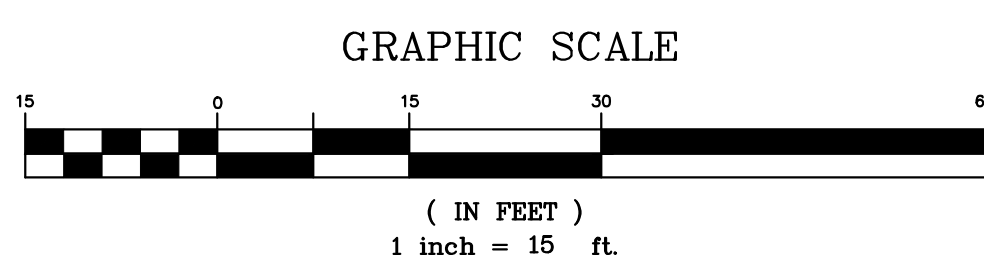
KEY PLAN 	SITE PLANNER : International Place Design, LLC Land Planning and Landscape Architecture 50 Beharrell Street, Concord, MA 01742, USA Tel: 1-978-287-0900 Cell: 1-617-281-9445 Fax: 1-978-369-2731	CLIENT : CapitalNexus LLC, Redtown Investment LLC PROJECT : HARRISBURG TOWN CENTER Harrisburg, North Carolina REZONING	ARCHITECTS : CIVIL ENGINEERS : TRAFFIC ENGINEERS :	REVISION			NOTE : DRAWING TITLE : Conceptual Woonerf Street SCALE : 1" = 50'	DATE : March 12, 2019 DESIGN BY DRAWN BY CHECKED BY APPROVED BY NOTE:	DRAWING No. FIG.9 TOTAL :
				No.	DATE	DESCRIPTION			
				1					
				2					
				3					
				4					



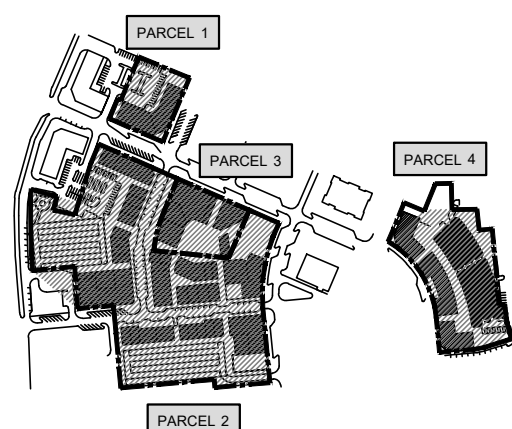
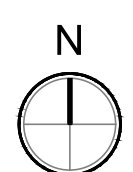
SECTION A-A'



SECTION B-B'



KEY PLAN



SITE PLANNER :



International Place Design, LLC
Land Planning and Landscape Architecture
50 Beharrell Street, Concord, MA 01742, USA
Tel: 1-978-287-0900
Cell: 1-617-281-9445
Fax: 1-978-369-2731

CLIENT :

CapitalNexus LLC, Redtown Investment LLC

PROJECT :

HARRISBURG TOWN CENTER
Harrisburg, North Carolina

REZONING

ARCHITECTS :

CIVIL ENGINEERS :

TRAFFIC ENGINEERS :

REVISION

No.	DATE	DESCRIPTION
1		
2		
3		
4		

NOTE :

DRAWING TITLE :

**ILLUSTRATIVE
SITE SECTIONS**

SCALE : 1" = 15'

DATE : March 12, 2019

DESIGN BY

DRAWN BY

CHECKED BY

APPROVED BY

NOTE:

DRAWING No.

FIG.8

TOTAL :