

BEREWICK

2009
Annexation Plan

City of Charlotte, North Carolina
A Summary Report

ANNEXATION PLAN

CITY OF CHARLOTTE, NORTH CAROLINA

**A PROPOSAL TO CONSIDER ANNEXATION OF THE
BEREWICK
AREA**

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* (contained within Official Report only)

PREFACE

A SUMMARY OF THE NORTH CAROLINA ANNEXATION LAW AND ITS IMPLICATIONS FOR THE FUTURE DEVELOPMENT OF CHARLOTTE “What is Annexation?”

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

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

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

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

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

http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_160A/Article_4A.html

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

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

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

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

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

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

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

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

INTRODUCTION: THE ANNEXATION REPORT

Pursuant to the authority vested in the City Council of the City of Charlotte by Article 4A, Part 3, Chapter 160A of the General Statutes of North Carolina, a resolution of intent to consider annexation of the **Berewick** Annexation Area, as defined in this Report, was adopted by the City Council at a regular meeting held on the **28th day of July, 2008**. A notice of a public informational meeting to be held on the **18th day of September, 2008** and a public hearing to be held on the **27th day of October 2008**, on the question of annexation is being published and mailed to property owners in accordance with legal requirements. (The dates of the public informational meeting and/or public hearing are subject to change in accordance with applicable law.)

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

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

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

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

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

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

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

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

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

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

PART I: THE PROPOSED AREA

General Description of the Area

The **Berewick** area is located west of the current City limits, near the Steele Creek Road exit of I-485, and in the vicinity of the Steele Creek/Shopton Road West intersection. The area is characterized by low-density residential development, but is predominated by portions of the new Berewick single family residential development. The area contains 963.5 acres and has an estimated population of 2,024.

Standards and Criteria

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

- A. The area proposed to be annexed meets the general standards of G.S. 160A-48(b) as follows:
1. The area is contiguous, as defined in G.S. 160A-53, to the City's boundary as of the time of the beginning of this annexation proceeding.
 2. The aggregate boundary of the area is **57,470.0** feet, of which **31,251.6** feet or **54.3%** coincides with the present City boundary.
 3. No part of the area is included within the boundary of another incorporated municipality.
- B. Part or all of the area is developed for urban purposes as described in one or more of the following sub-sections:
1. The part of the area remaining (developed part of the area) after removing the subsection (d) land qualifies for annexation under the standards of two and three-tenths persons per acre of land. The developed part of the area has an estimated total population of **2.59** persons per acre. This estimate is made in accordance with G.S. 160A-54(1). There are **906** dwelling units in the area (900 single family and 6 multi-family units), which when multiplied by the average household size of **2.53** for single-family units and **1.67** for multi-family units, and taking into account an occupancy rate of **89.6%** for single family units and **87.1%** for multi-family units (all according to the latest federal decennial census, augmented by the 2006 U.S. Census American Community Survey data) results in an estimated total

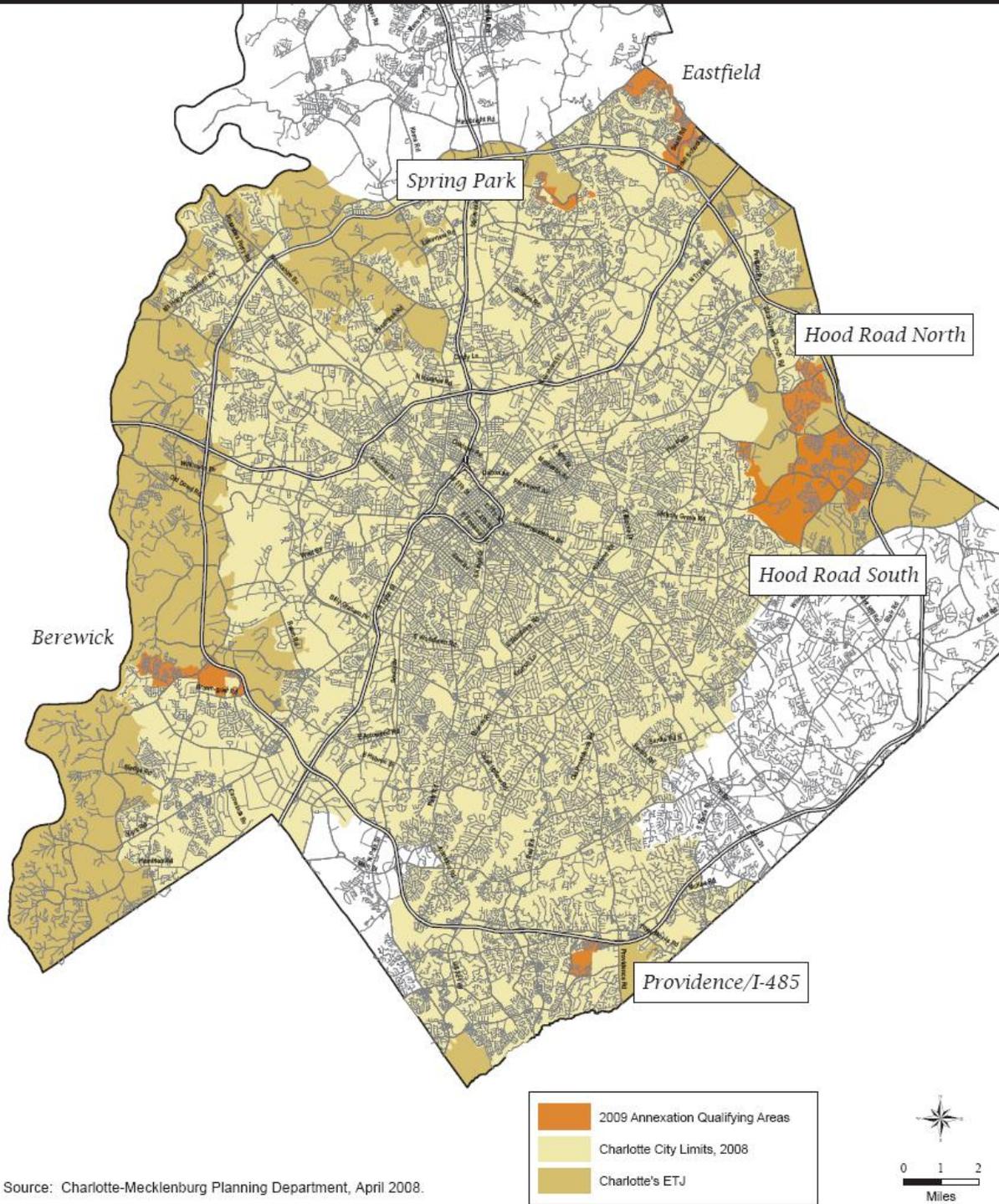
resident population of **2,024**. This population, when divided by the total number of acres (**779.2**) in the developed part of the area, results in a population density of **2.59** persons per acre.

2. The area proposed to be annexed **does not** meet the requirements of G.S. 160A-48(c)(2).
 3. The area proposed to be annexed **does not** meet the requirements of G.S. 160A-48(c)(3).
- C. A portion of the proposed annexation area does not meet the requirements of G.S. 160A-48(c), as described in B1, B2, and B3 above, but does meet the requirements of G.S. 160A-48(d)(2). This area – known as “subsection (d) land” - does not exceed twenty-five percent (25%) of the total area to be annexed. The total number of acres in the area to be annexed is **963.5**. Of that acreage, **184.3** acres, or **19.1%** is contained in the area not yet developed for urban purposes. The area is adjacent and at least sixty percent (60%) of its external boundary coincides with any combination of the present City boundary and the areas developed for urban purposes as defined in G.S. 160A-48(c). The aggregate boundary of the undeveloped area is **15,713.8** feet of which **15,713.8** feet or **one hundred percent (100%)** coincides with the present City boundary and the developed area (see the “subsection (d) land” map).

Maps of the Area

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

2009 Annexation Qualifying Areas



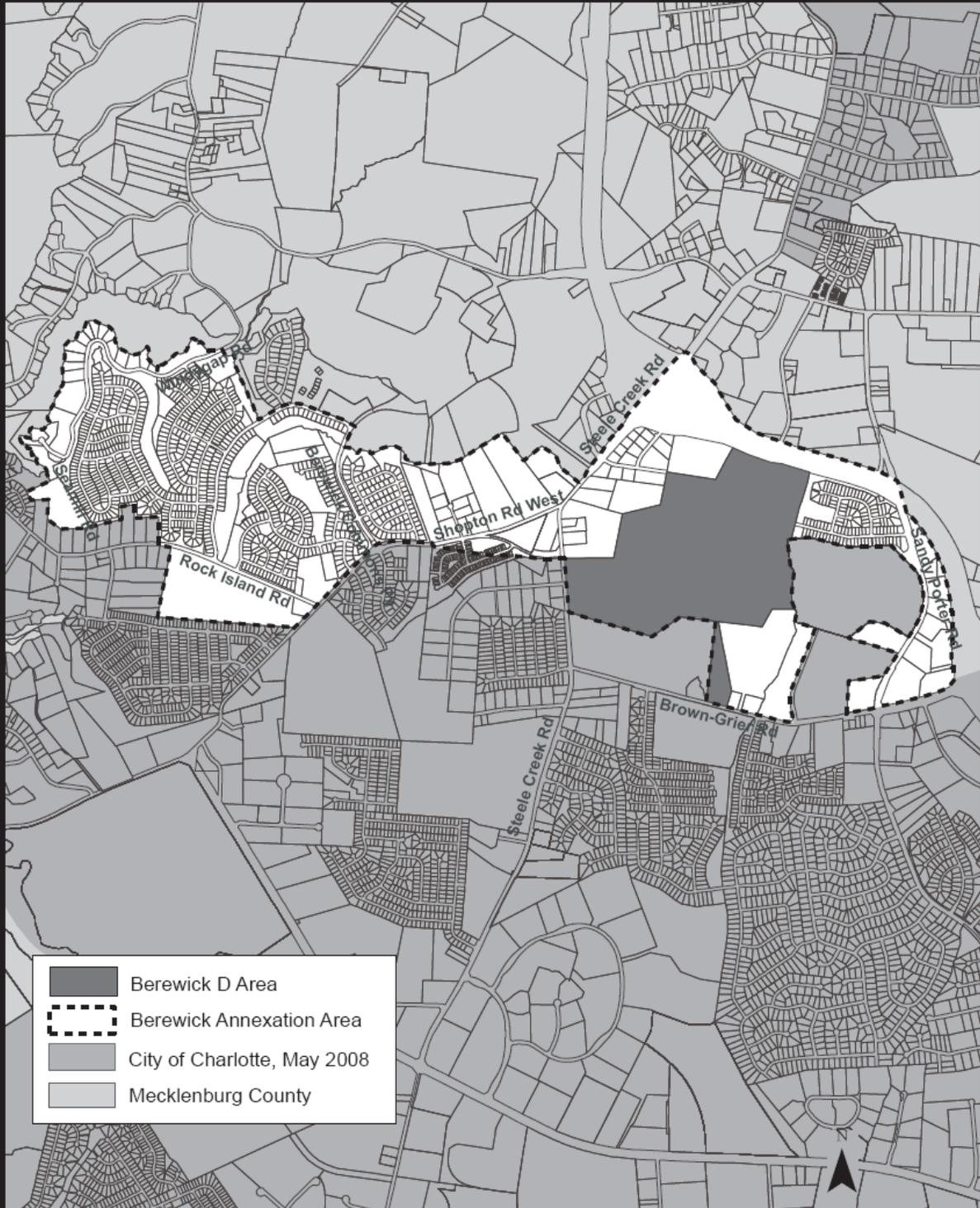
Source: Charlotte-Mecklenburg Planning Department, April 2008.

Berewick Annexation Qualifying Area, 2009



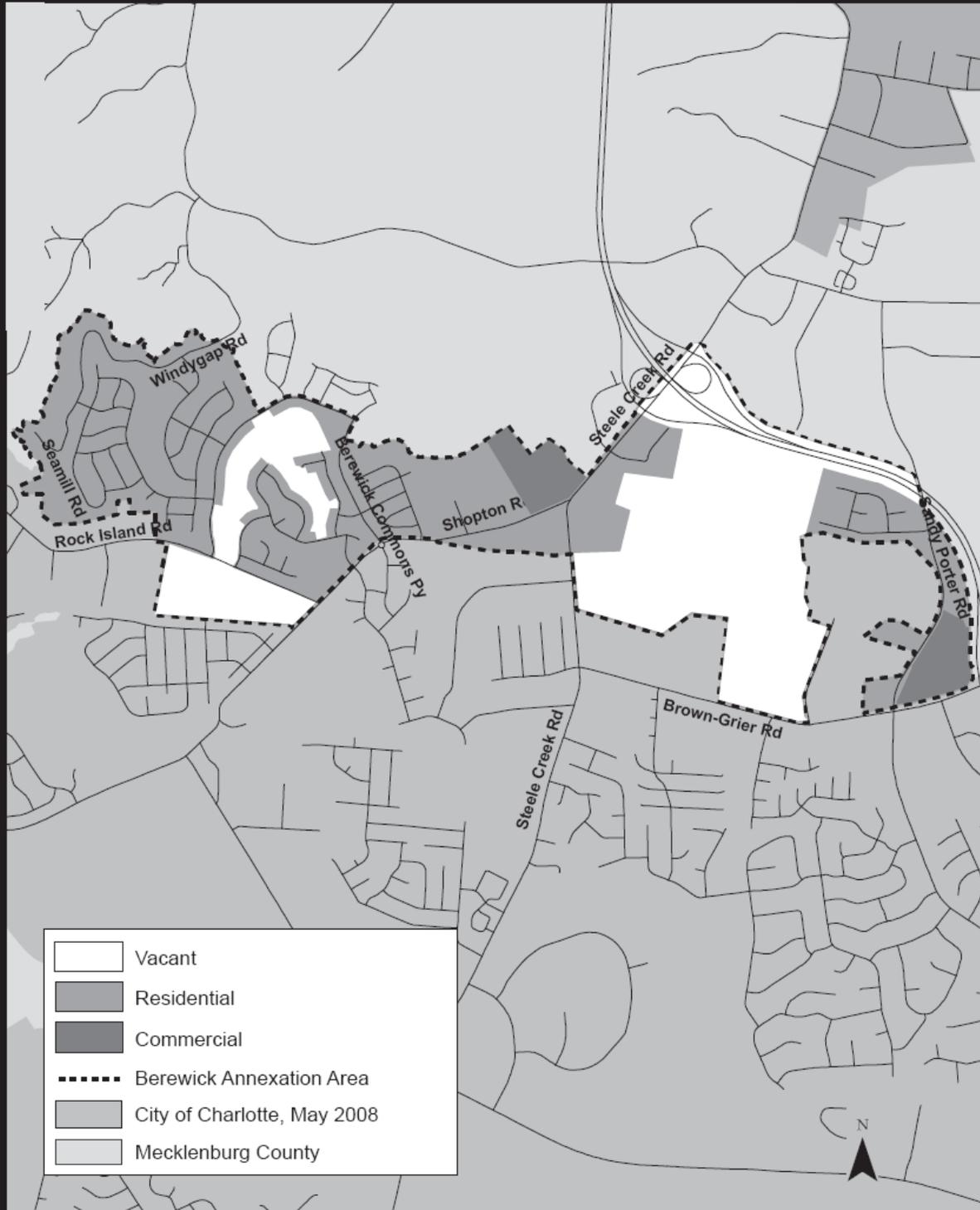
Source: Charlotte-Mecklenburg Planning Department, April 2008.

Berewick Annexation Qualifying Area, 2009 D Land Area



Source: Charlotte-Mecklenburg Planning Department, May 2008.

Berewick Annexation Qualifying Area, 2009 Generalized Land Use



Source: Charlotte-Mecklenburg Planning Department, June 2008.

PART II: PLAN FOR SERVICES

Extension of City Services

PLANS FOR THE CITY OF CHARLOTTE TO EXTEND MUNICIPAL SERVICES TO THE BEREWICK ANNEXATION AREA.

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

Description of Services

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

his or her district and must reside in the district which he/she represents.

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

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

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

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

The City's police services agreement with Mecklenburg County provides County funding as a

percentage of the CMPD's total service area population, which is comprised of the City of Charlotte and the remaining unincorporated areas of Mecklenburg County. Funding of police services for the proposed annexation area would shift from the collection of the County's Law Enforcement Service District tax to the City's property tax effective June 30, 2009.

FIRE PROTECTION. The Fire Department provides the residents of Charlotte with a high level of fire protection and suppression services, and maintains standards consistent with the requirements of the Insurance Services Office. The City enjoys a favorable insurance rating of "three". Protection is afforded by 1,083 full-time employees operating 39 engine companies, 14 ladder companies, 5 water tankers, 2 air crash/fire/rescue companies, 5 brush trucks, 2 heavy rescue squads, and 4 hazardous materials trucks. The Department's equipment is housed in 38 strategically located fire stations.

Fire protection services will be extended to the **Berewick** Area on substantially the same basis and in the same manner as provided in the City, except as otherwise described in this section of the Report. This level of fire protection to the **Berewick** Area will be provided by existing facilities located at Station 38, located at 12100 Shopton Road West, and Station 26 located at 9231 S Tryon Street. Service will commence on the effective date of annexation. In order to provide fire service, start-up funds of \$41,751 from FY2009 will be required, along with operating funds of \$81,368 in FY2010 and \$65,240 in FY2011.

Reasonably effective fire protection services will be provided on the effective annexation date in those portions of the annexation area that do not contain the basic water system, until the completion of the basic water system in accordance with applicable statutes, and as described elsewhere in this Report. Each piece of Charlotte Fire Department apparatus carries a booster tank holding between 350 and 750 gallons of water, intended to provide water sufficient to begin a fire attack (and in many cases sufficient to suppress a fire). This apparatus will serve as the first fire incident attack in areas not currently served by basic water service. Additionally, Charlotte Fire Department has five 1,000 gallon tankers that are placed strategically to respond to geographic areas without sufficient water service for fire suppression. These tankers will be

located at stations intended to respond to these under-served areas until water service is established.

Currently, the tankers are located at:

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

While the annexation area is sufficiently served by basic water service for fire protection purposes, if a tanker were to be needed to be dispatched to the area, the tanker at Station 37 lies in closest proximity, with back-up provided by the tanker at Station 21.

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

TRANSIT. The Charlotte Area Transit System (CATS) operates a fleet of over 400 vehicles, providing public transportation service along 75 routes located throughout Mecklenburg County and surrounding counties in the Charlotte region. CATS services include express service, local, cross-town, neighborhood-community shuttles and activity center circulators.

There are currently no routes serving the annexation area. Transit service to the area will be considered in the future on the same basis as extension of service is considered in the rest of the City, as set forth by the Metropolitan Transit Commission (MTC).

In addition to the previously-listed CATS services, Special Transportation Services (STS) provides door-to-door transit services within Charlotte's City Limits, and the Towns of Matthews

and Pineville. The Americans with Disabilities Act (ADA) requires complementary paratransit service (such as STS) to operate within ¾ of a mile from any CATS local bus route. Individuals with disabilities certified as eligible according to ADA may qualify for STS paratransit service. Should local fixed route service be extended to the annexation area, STS ADA-paratransit service coverage would also need to be extended.

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

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

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

The individual property owner is responsible for (1) maintenance of any property between the property line and the curb or the edge of the paved street; (2) the provision of adequate drainage facilities so that his property will be free of standing water and will permit the natural flow of the water and, in the case of failure, the property owner shall bear the cost of facilities to alleviate this situation; and (3) the adequate maintenance and repair of adjoining sidewalk. At the request of the property owner, the City will repair or replace sidewalk with the cost of all materials necessary for the work to be borne by the property owner.

In order to provide operations/street maintenance services on substantially the same basis and in the same manner as provided in the City, approximately \$112,620 from the General Fund in FY2010 will be appropriated in the annual budget to reflect the additional cost of services to this area. Additional personnel and equipment required to provide this service to the area will be secured. Additionally, capital costs of \$51,609 in FY 2010 and \$334,952 in FY2011 from Powell Bill Funds will be required in order to improve area streets to City maintenance standards. Information on financing operations/street maintenance services is set forth in Appendix B. Street maintenance and other street-related services will commence on the effective date of annexation.

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

Survey/Mapping Division. The Survey Section is responsible for all the surveying needs of

Engineering and for every other City department with the exception of the Charlotte-Mecklenburg Utilities (CMU) and Aviation. Surveying services, using either City forces or outside resources, are provided for all City Capital Investment Program projects, acquisition and disposal of all City real property, providing control data for the topographical mapping services, location and stake-out services for the building permit process, surveying for all storm drainage repair projects, staking rights-of-way throughout the City and maintenance of the survey control system throughout the City and surrounding areas. The Mapping Section provides mapping services to all departments except CMU and Aviation, and manages mapping consultant contracts; provides Geographic Information System (GIS) mapping services and operates the map room for the department.

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

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

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

land development.

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

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

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

Engineering & Property Management services can be provided to the **Berewick** area on substantially the same basis and in the same manner as provided in the City using existing resources. With the exception of \$1,841 in FY2010 and \$1,870 in FY2011, no additional funding will be required for this area. Information on financing Engineering and Property Management service is set forth in Appendix B. Services will commence on the effective date of annexation.

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

Collections. This division provides weekly residential collection of garbage, recyclables, yard waste, bulky items, white goods and tires, although portions of the City may be served through a contract with a private solid waste collection firm under managed competition guidelines. Residents are provided with one 96-gallon rollout cart and one 16/18-gallon recycling bin free of charge. Garbage, recyclables and yard waste are collected from the curb on a regularly-scheduled weekly collection day. Bulk items, white goods and tires are collected on the regular collection day, on a scheduled basis, following the receipt of a call-in pick-up request. Disabled residents may request backyard garbage collection upon the recommendation of a certified physician and receive the service upon verification of the need by City staff.

Special Services. This division provides weekly garbage collection from small businesses; dead animal collection; sweeps and cleans permanently paved streets; litter collection and cleanup of illegal dumps; delivery of rollout carts and recycling bins and general cleanup services in the Central Business District on a routine basis and for special events.

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

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

In order to provide solid waste services on substantially the same basis and in the same manner as provided in the City, approximately \$161,588 from the General Fund in FY2010 will be appropriated in the annual budget to reflect the additional cost of services to this area.

Additional personnel and equipment required to provide this service to the area will be secured. Additionally, \$14,824 from the FY2009 (current year) General Fund – which has been designated in the FY2009 budget for annexation start-up costs – will be applied to start-up costs associated with solid waste services. Information on financing Solid Waste Services is set forth in Appendix B.

Services will commence on the effective date of annexation.

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

No additional funding will be required for BSS to extend its services to the proposed annexation area on substantially the same basis and in the same manner as now provided in the City.

Services will commence on the effective date of annexation.

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

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

Housing Services This area administers the City's federal Community Development Block Grant, and oversees a number of housing and community development programs and activities including the affordable housing program, the HOME grant, and innovative housing initiatives.

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

Additional resources of \$10,143 will be required from current year (FY2009) for start-up, and of \$19,850 in FY2010 for Neighborhood Development to extend its services to the proposed annexation area on substantially the same basis and in the same manner as now provided in the City. Services will commence on the effective date of annexation.

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

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

effective date of annexation.

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

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

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

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

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

The water and sewer systems to be provided in the area will meet the requirements of the annexation law and will include the extension of major trunk water mains and sewer outfall lines into the area so that when such lines have been extended, property owners in the area will be able to secure water and sewer service from the City according to the Water/Sewer Extension Policy adopted by the Charlotte City Council on May 26, 1992, including any amendments thereto. Extension of sewer street mains and water mains in dedicated, maintained streets will be constructed in accordance with the Water/Sewer Extension Policy.

Capital cost of providing basic water and sewer services to the area, in a manner consistent with the annexation statutes and Charlotte's Water/Sewer Extension Policy, is estimated to be approximately \$400,000 for water and \$800,000 for sewer. Annual utilities operating expenses are estimated to be \$54,524 in FY2010 and \$1,871 in FY2011. Expenses for operating the systems will be derived from revenues obtained through the sale of water and sewer services. Information on financing water and sewer services is set forth in Appendix B.

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

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

Government Center, 600 E. Fourth Street, Charlotte, NC 28202.

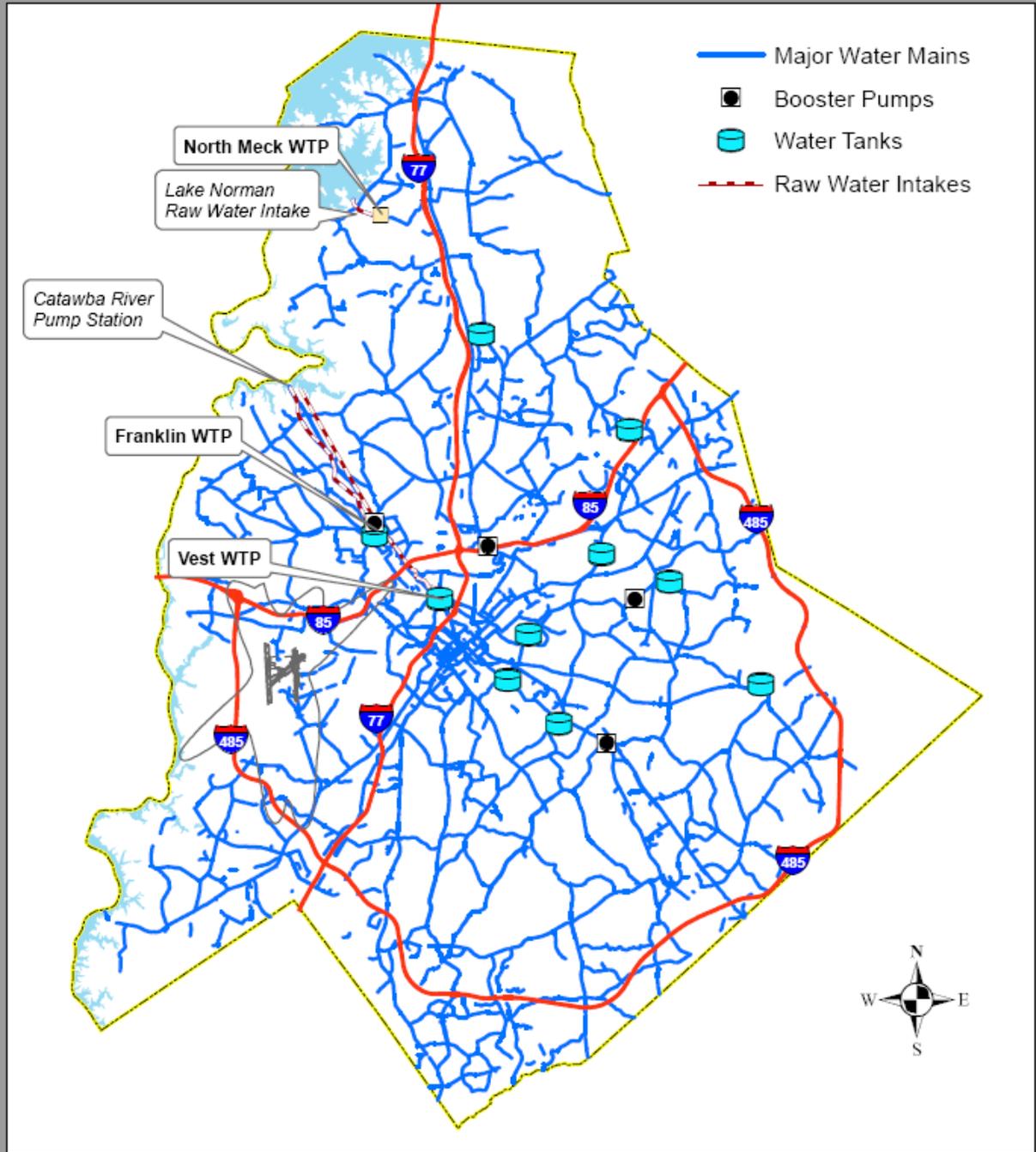
BEREWICK ANNEXATION AREA

2009 Annexation

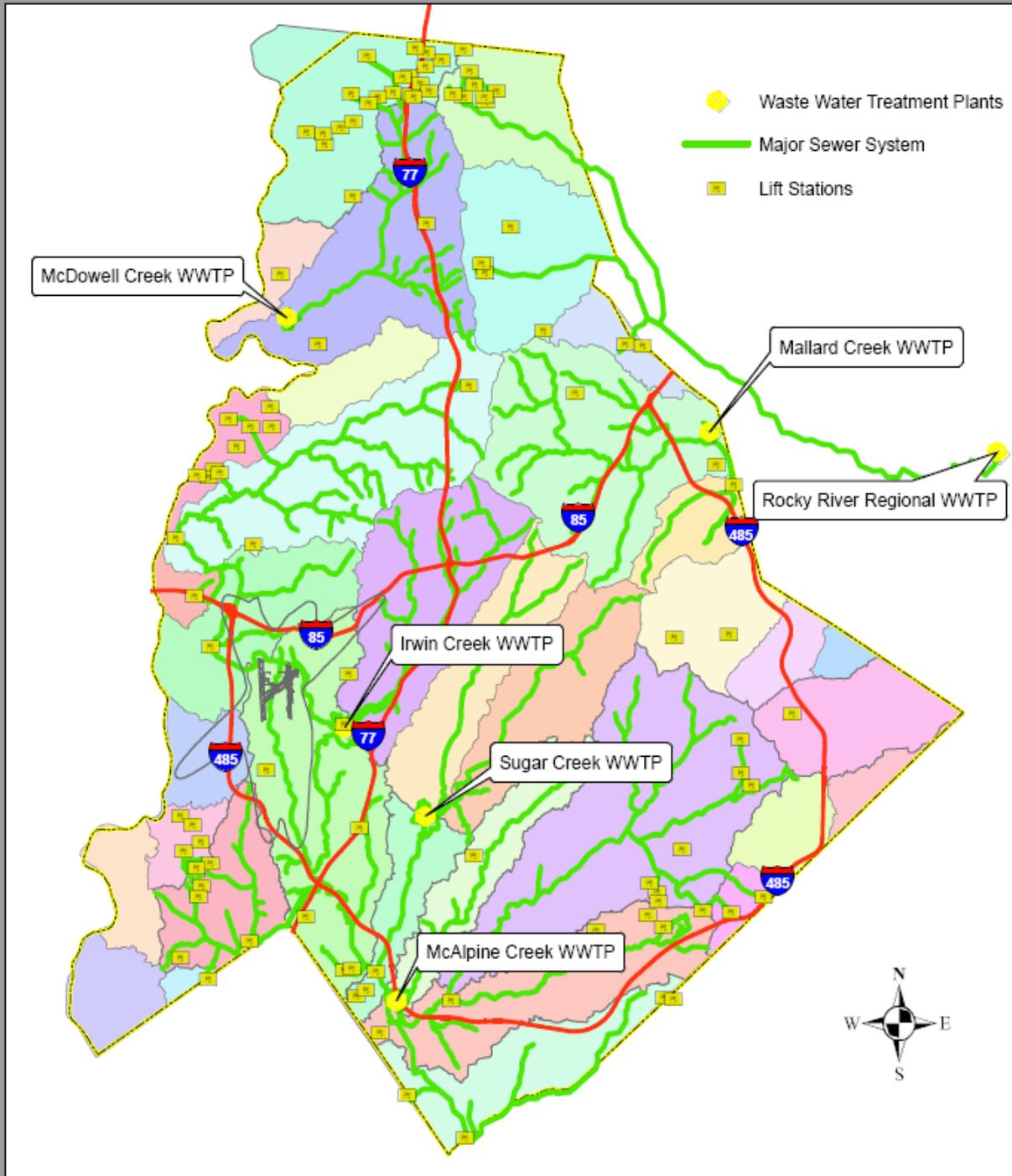
Proposed Construction Timetable for Water and Sanitary Sewer

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

Charlotte-Mecklenburg Utilities Major Water System



Charlotte-Mecklenburg Utilities Major Sewer System



PART III: FIRE PROTECTION IMPACT STATEMENT

Steele Creek Volunteer Fire Department

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

The Steele Creek VFD estimates that the area of its fire district is 13.02 square miles; it estimates that it protects a population of 4,456 people. The population of the Berewick area is estimated to be **2,024** and the area **1.50** square miles (**963.5** acres). Based on this information, annexation of the Berewick area will result in an estimated 11.5 percent reduction in the area and an estimated 45.4 percent reduction in the population served by the Steele Creek VFD. After annexation, the Charlotte Fire Department will provide all fire protection services to the Berewick area, possibly supplemented by a contract for fire suppression with the Steele Creek VFD.

Fire Suppression

The Steele Creek VFD operates 1 pumper, 1 water tanker, 1 rescue truck, and 1 brush truck for fire suppression services. The pumper and the water tanker are typically dispatched to all fires. The Steele Creek VFD utilizes water from Charlotte-Mecklenburg Utility hydrants for fire suppression purposes. Volunteer firefighters' response is based on their individual ability to

leave home or work when dispatched for a fire. Steele Creek VFD reports that an average of 4 volunteers respond during daylight hours (8:00 a.m. to 6:00 p.m.) and 10 at night (6:01 p.m. to 7:59 a.m.).

At the first report of a structure fire in the Berewick area, the West Mecklenburg Volunteer Fire Department is also dispatched to assist the Steele Creek VFD. The Mecklenburg County communications center provides dispatching to all Mecklenburg County volunteer fire departments, receiving calls through the emergency 911 number. Additional assistance is available upon Steele Creek VFD's request from other volunteer departments and from the Charlotte Fire Department.

The Charlotte Fire Department will provide fire suppression response to the Berewick area after annexation. The Department operates 39 engine companies, 14 ladder companies, 2 urban search and rescue squads, 5 water tankers, 5 brush trucks, and other assorted fire suppression equipment. At the first report of a structure fire in the Berewick area, a battalion chief, two engine companies, and a ladder company will be dispatched with a day and nighttime staff of 13 firefighters and officers. Dispatching will be provided by the Department's communications center, which receives calls through the emergency 911 number. Additional assistance in suppressing fires is available from all Charlotte Fire Department companies, and mutual aid can be requested from volunteer fire departments, and – if necessary – from municipal departments located in adjoining counties.

The Steele Creek VFD Station #1 is located at 8700 Steele Creek Road. Average response time from this station to the Berewick area is estimated by Steele Creek VFD to be approximately 6 minutes, depending upon the location of the fire within the Berewick area. This time does not include response by volunteers to the fire station to staff the fire trucks, which is estimated by Steele Creek VFD to average 4 minutes during the day and 3 minutes at night. Because volunteers may respond directly to the fire scene from various parts of the community, it is difficult to determine the response time for an adequate number of personnel to control a fire. The average number of personnel dispatched by the Steele Creek VFD was not provided by the company.

Charlotte Fire Department Station 38, located at 12100 Shopton Road West, houses the closest engine with an estimated response time of 6 minutes and 43 seconds to the farthest point in the Berewick area, representing a distance of approximately 4.6 miles. Charlotte Fire Department Station Station 26, located at 9231 South Tryon Street, will provide the second engine and a ladder. While most of the area will be served by Station 38, there are a few areas, such as the farthest point in the Berewick Area that will be served by Station 26. Station 26 is able to respond to this same area in approximately 4 minutes and 55 seconds, representing a distance of 2.6 miles. Response times to the Berewick area meet the City-wide standard for protection of single family residential property (9 minutes maximum), multifamily residential (6 minutes), and business property (6 minutes) which correspond to Class 3 requirements of the Insurance Services Office.

Financial Information

Steele Creek VFD did not provide information on the value of their capital assets. The Steele Creek VFD has reported a liability of \$531,213 on apparatus and equipment. The Steele Creek VFD estimates a loss of \$7,000, which is 35 percent of their total revenue as a result of the annexation in the Berewick area.

Fire Prevention and Emergency Readiness

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

Insurance Risk

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

Annual Premiums for HO3 Insurance Policy*				
	\$150,000 Valuation		\$250,000 Valuation	
	Frame	Brick	Frame	Brick
Class 3	\$477	\$455	\$720	\$688
Class 5	\$477	\$455	\$720	\$688
Class 6	\$477	\$455	\$720	\$688

* NC Rate Bureau base rates for standard coverage of a 3-year-old house with \$500 deductible and credits for smoke detectors, fire extinguishers, and deadbolt locks.

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

Annual Premiums for Insuring a Small Business Structure **	
	\$300,000 Valuation
Class 3	\$2,588
Class 5	\$2,588
Class 6	\$2,588

** NC Rate Bureau base rates for a non-sprinklered brick mercantile structure

PART IV: CITY FINANCES AND SERVICES IMPACT STATEMENT

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

An analysis of revenues and costs for the Berewick annexation area indicates projected revenues of \$1,273,525 and \$1,534,038 in the first and second years of annexation, respectively. The anticipated service costs are \$1,683,400 and \$698,875 in the first and second years, respectively. In addition, \$1,200,000 in capital improvements are recommended for projects such as water and sewer service extensions and construction of fire stations.

The analysis of revenues and costs was presented to City Council at their meeting of **July 21, 2008**. Detailed information is on file in the City Clerk's Office ("2009 Preliminary Annexation Report") and in Appendix B of this Report.

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

TAXES AND FEES	FY 2009 City Revenues	FY 2010 – Annexation Area Estimated Revenue Change	FY 2011 – Annexation Area Estimated Revenue Change
Sales Tax	\$63,887,639	\$15,171	\$172,726
Beer and Wine Tax	\$3,068,000	9,360	9,641

A copy of this Report (including Appendix B), as well as a copy of the Preliminary 2009 Annexation Report are both provided to the Clerk of the Board of County Commissioners for Mecklenburg County.

APPENDICES

APPENDIX A

STATISTICAL SUMMARY PER ANNEXATION STATUTORY REQUIREMENTS

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

STATUTORY PREREQUISITE

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

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total boundary	57,470.0 ft.	
2. Boundary contiguous with municipal boundary	31,251.6 ft.	
3. Proportion of total boundary contiguous with the municipal boundary	54.3%	>= 12.5%

(area meets this statutory prerequisite)

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

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

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of dwellings in developed part of area	906	
2. Average number of persons per household (2000 Census) ⁽¹⁾	2.53 (single family) 1.67 (multi-family)	
3. Estimated population of developed part of the area	2,024	
4. Acreage of developed part of the area	779.2	
5. Population per acre in developed part of area	2.59	>= 2.3

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

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

STATISTICAL SUMMARY (Continued)

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

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

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Population per acre (calculated above)	2.59	>= 1.0
2. Total acreage of all lots in developed part of the area	818.9	
3. Total acreage of lots 3 acres or less in developed part of area	293.7	
4. Acreage of 3 above as proportion of 2 above	35.8%	>=60%
5. Total number of lots in developed part of the area	1,172	
6. Number of lots in developed portion of area 1 acre or less	1,082	
7. Number of lots in 6 above as proportion of 5 above	92.3%	>=65%

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

STATISTICAL SUMMARY (Continued)

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

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

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total number of lots and tracts in developed part of area	1,172	
2. Total number of lots and tracts used for urban purposes in developed part of area	893	
3. Total lots and tracts used for urban purposes in developed part of area, as a proportion of total lots and tracts	76.1%	>=60%
4. Total acreage of developed part of area, excluding acreage used for commercial, industrial, governmental, or institutional purposes	711.8	
5. Total acreage of developed part of area in lots and tracts 3 acres or less, not counting acreage used for commercial, industrial, governmental, or institutional purposes	282.5	
6. Acreage in 5 above as proportion of acreage in 4 above	39.6%	>=60%

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

STATISTICAL SUMMARY (Continued)

QUALIFYING CRITERIA – GS 160A-48(d)

At least sixty percent of the external boundary of the area not meeting the requirements of subsection (c) (above) must coincide with any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes as defined in subsection (c).

However, these areas not yet developed for urban purposes may not exceed twenty-five percent of the total area to be annexed.

	<u>Measured or Calculated</u>	<u>Statutory Standard</u>
1. Total acreage of annexation area (combined subsection (c) & (d))	963.5	
2. Total acreage of subsection “d” land	184.3	
3. Percent of area which is subsection “d”	19.1%	<=25%
4. Total boundary of subsection “d” land	15,713.8 feet	
5. Boundary of subsection “d” land contiguous with municipal boundary and boundary of developed part of area	15,713.8 feet	
6. Boundary in 4 above as proportion of 5 above	100%	>=60%

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

Appendix B: 2007 Annexation Area Economic Analysis: Berewick

EXPENDITURES	FY07	FY08			FY09
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
TRANSPORTATION					
Street Lighting	0	0	29,830	29,830	29,830
Operations	0	23,374	0	23,374	0
Street Maintenance	0	2,812	56,604	59,416	61,593
Electronic Systems	0	0	0	0	0
FIRE					
Operations	41,751	0	81,368	81,368	65,240
SOLID WASTE					
	14,824	699	160,889	161,588	183,158
ENGINEERING					
Operations	0	0	1,841	1,841	1,870
CITY MANAGER'S OFFICE					
Corporate Communications	24,603	0	0	0	0
NEIGHBORHOOD DEVELOPMENT					
	10,143	0	19,850	19,850	20,361
BUSINESS SUPPORT SERVICES					
	0	0	0	0	0
ECONOMIC LOSS					
Volunteer Fire Departments	225,806	0	0	0	0
Private Solid Waste Collection Firms	11,394	0	0	0	0
TOTAL GENERAL FUND	328,521	26,885	350,382	377,267	362,052
POWELL BILL FUND					
Street Maintenance	0	7,364	44,245	51,609	334,952
UTILITIES					
	0	52,752	1,772	54,524	1,871
STORM WATER FUND					
	0	0	0	0	0
TOTAL OPERATING EXPENDITURES	328,521	87,001	396,399	483,400	698,875
GENERAL CAPITAL					
Fire Stations	0	0	0	0	0
UTILITIES (Capital Expend)					
Water	0	400,000	0	400,000	0
Sewer	0	800,000	0	800,000	0
TOTAL EXPENDITURES	328,521	1,287,001	396,399	1,683,400	698,875

2007 Annexation Area Economic Analysis: Berewick

	FY07	FY08			FY09
	<u>Start-Up</u>	<u>One-Time</u>	<u>Recurring</u>	<u>Total</u>	<u>Total</u>
REVENUES					
TAXES AND FEES					
Property Taxes ⁽¹⁾	0	0	777,062	777,062	792,603
Police Service District Reduction ⁽¹⁾	0	0	(147,123)	(147,123)	(158,967)
Business Privilege	0	0	20,826	20,826	21,451
Cable TV Franchise	0	0	21,575	21,575	22,222
Animal Control	0	0	1,299	1,299	1,338
Utility Franchise	0	0	65,298	65,298	67,257
Sales Tax ⁽¹⁾	0	0	15,171	15,171	172,726
Beer and Wine Tax	0	0	9,360	9,360	9,641
Motor Vehicle License	0	0	12,205	12,205	12,449
Solid Waste Disposal	0	0	38,970	38,970	38,970
User Fees	0	0	32,911	32,911	34,426
TOTAL GENERAL FUND	0	0	184,466	184,466	217,383
POWELL BILL FUND	0	0	23,860	23,860	24,576
MUNICIPAL DEBT SERVICE FUND ⁽¹⁾	0	0	30,917	30,917	37,221
PAY-AS-YOU-GO FUND ⁽¹⁾	0	0	18,363	18,363	24,203
STORM WATER FUND	0	0	14,487	14,487	15,976
TOTAL OPERATING REVENUES	0	0	847,555	847,555	1,014,116
COPs – FIRE STATION	0	0	0	0	0
WATER AND SEWER REVENUE BONDS	0	1,200,000	0	1,200,000	0
TOTAL ALL REVENUES	0	1,252,752	1,220,773	2,473,525	1,534,038
REVENUES OVER EXPENDITURES	(328,521)	(34,249)	824,374	790,125	835,163
Net Impact to General Fund	(328,521)	(26,885)	497,173	470,288	652,064

Note

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

APPENDIX C

2009 ANNEXATION AREA BOUNDARY DESCRIPTION

BEREWICK ANNEXATION AREA

Beginning on the existing Charlotte City Limits line, said point being located on the Southwesterly right-of-way margin of I-485 and also being located on the Easterly property line of Deed Book 22992 Page 572 having the coordinates of North 516,710 and East 1,417,365 as shown on a State Highway Map labeled (ROADWAY CORRIDOR OFFICAL MAP)(WEST CHARLOTTE OUTER LOOP FROM NORTH OF YORK ROAD TO NORTH OF MOORES CHAPEL) sheet 2 and 3; thence in a southwesterly direction following along the Existing Charlotte City Limits Line, also being the Southerly property of said Deed Book 22992 Page 572, also being the Northerly right-of-way margin of Brown-Grier Road (Arrowood Road) with the following (4) bearings and distances: 1) South 14-02-10 West 98.95 feet to a point, said point having the coordinates of North 516,614 and East 1,417,341 2) South 73-00-46 West 438.12 feet to a point, said point having the coordinates of North 516,486 and East 1,416,922 3) South 69-49-35 West 385.66 feet to a point, said point having the coordinates of North 516,353 and East 1,416,560 4) South 73-47-41 West 333.24 feet to a point, said point having the coordinates of North 516,260 and East 1,416,240 also being located on the Northeasterly corner of the intersection of Brown-Grier Road and Sandy Porter Road having the coordinates of North 516,260 and East 1,416,240 as shown on said State Highway Map labeled (ROADWAY CORRIDOR OFFICAL MAP)(WEST CHARLOTTE OUTER LOOP FROM NORTH OF YORK ROAD TO NORTH OF MOORES CHAPEL) sheet 2 and 3; thence continuing in a Southwesterly direction with the Existing Charlotte City Limits Line, crossing Sandy Porter Road, with a bearing and distance of South 78-14-28 West 250.25 feet to a point, said map also showing the coordinates of said point as North 516,209 and East 1,415,995; thence continuing in a Southwesterly direction with the Existing Charlotte City Limits Line and the Northerly right-of-way margin of Brown-Grier Road, with a bearing and distance of South 78-47-32 West approximately 400 feet to a point, said point being located on the Northerly right-of-way margin of Brown-Grier Road as shown in State Highway Project 8.U672208 and as described in Deed Book 8459 Page 400; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the boundary line of a lot described as (area taken) in Deed Book 4986 Page 693 with the following (2) bearings and distance: 1) North 03-11-56 East approximately 530 feet to a point, 2) South 82-59-24 East approximately 580 feet to a point, said point being 40 feet West of and normal to the centerline of Sandy Porter Road (SR#1142); thence in a Northeasterly direction following along the Existing Charlotte City Limits Line, also being a line 40 feet West of and parallel with the centerline of said Sandy Porter Road, approximately 450 feet to a point, said point being 40 feet West of and normal to the centerline of Sandy Porter Road, being located on the Southerly boundary line of Deed Book 8037 Page 77 a (6.58 Acre Tract); thence in a Northwesterly direction following along the Existing Charlotte City Limits Line, also being the boundary line of said Deed Book 8037 Page 77 with the following (4) bearings and distances: 1) North 72-12-00 West approximately 850 feet to a point, 2) North 55-17-10 East 433.70 feet to a point, 3) South 85-12-50 East 248.24 feet to a point, 4) South 57-48-20 East approximately 440 feet to a point said point being 40 feet West of and normal to the centerline of Sandy Porter Road; thence in a North Northwesterly direction following along a line 40 feet West of and parallel with the centerline of said Sandy Porter Road approximately 1,730 feet to a point, said point being 40 feet West of and normal to the centerline of Sandy Porter Road; thence in a Westerly direction following along the Northerly boundary line of Deed Book 2629 Page 25 with the following (3) bearings and distances: 1) South 89-11-00 West approximately 680 feet to a point, 2) North 74-51-00 West 670.81 feet to a point, 3) South 84-56-00 West 363.75 feet to a point, said point being the Northwesterly corner of said Deed Book 2629 Page 25; thence in a Southerly direction following along the Existing Charlotte City Limits Line, also being the Westerly boundary line of

said Deed Book 2629 Page 25 with the following (11) bearings and distances: 1) South 04-28-10 East 213.00 feet to a point in the centerline of the East Branch of Steele Creek, 2)thence, following along and with the centerline of the East Branch of Steele Creek South 04-42-00 East 177.42 feet to a point, 3) South 17-48-30 East 58.49 feet to a point, 4)South 48-13-30 East 31.43 feet to a point, 5) South 31-44-00 East 58.22 feet to a point, 6) South 06-40-20 West 333.56 feet to a point, 7) South 01-49-20 West 70.46 feet to a point, 8) South 03-47-30 East 91.01 feet to a point, 9) South 19-42-40 East 133.78 feet to a point, 10) South 14-47-50 West 55.36 feet to a point, 11) South 07-33-50 West 159.13 feet to a point, said point being a common corner with said Deed Book 2629 Page 25, Deed Book 12746 Page 818 and Deed Book 2618 Page 097; thence continuing in a Southerly direction following along and with the Existing Charlotte City Limits Line also being the centerline of the East Branch of Steele Creek also being the Westerly boundary line of said Deed Book 12746 Page 818 also being a common line with Deed Book 2618 Page 097 with the following (16) bearings and distances: 1) South 16-58-25 East 26 feet to a point, 2) South 05-43-05 East 74 feet to a point, 3)South 29-10-32 East 48 feet to a point, 4) South 26-11-05 West 84 feet to a point, 5)South 48-32-26 West 32 feet to a point, 6) South 12-44-55 West 72 feet to a point, 7)South 26-24-33 West 167.50 feet to a point, 8) South 22-40-48 West 227 feet to a point, 9) South 21-09-55 West 65 feet to a point, 10) South 27-28-02 West 67 feet to a point, 11) South 16-03-13 West 83 feet to a point, 12) South 38-44-46 West 170 feet to a point, 13) South 59-40-01 West 30 feet to a point, 14) South 38-37-05 West 144 feet to a point, 15) South 18-52-06 East 60 feet to a point, 16) South 12-56-18 West 72 feet to a point, said point being the Northeasterly corner of Deed Book 18652 Page 043; thence continuing in a Southerly direction following along the Existing Charlotte City Limits Line, also being the centerline of the East Branch of Steele Creek, also being the Westerly boundary line of said Deed Book 12746 Page 818, also being a common line with said Deed Book 18652 Page 043, with the following (3) bearings and distances: 1) South 37-24-26 West 78 feet to a point, 2) South 15-59-14 West 65 feet to a point, 3) South 29-08-54 West 130 feet to a point, said point being located in the centerline of said creek, also being 30 feet North of and normal to the centerline of Brown-Grier Road; thence leaving the centerline of said creek following a line in a Northwesterly direction being 30 feet North of and parallel with the centerline of Brown-Grier Road approximately 864 feet to a point, said point being 30 feet North of and normal to the centerline of Brown-Grier Road and being located on the Westerly boundary line of Deed Book 3009 Page 020; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the Westerly boundary line of said Deed Book 3009 Page 020, with a bearing and distance of North 08-02-38 East approximately 1,310 feet to a point, said point being the Northwesterly corner of said Deed Book 3009 Page 020 located on the Southerly boundary line of Deed Book 2692 Page 11; thence in a Westerly direction following along the Southerly boundary line of Deed Book 2692 Page 11 with the following (3) bearings and distances: 1) North 79-30-00 West 590.94 feet to a point, 2) South 62-32-00 West 560.28 feet to a point, 3) North 67-44-30 East approximately 1,407 feet to a point, said point being located on the Easterly right-of-way margin of Steele Creek Road; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the Easterly right-of-way margin of Steele Creek Road, with a bearing and distance of North 05-10-00 West approximately 879 feet to a point, said point being the intersection of the extension of the Northerly boundary line of Lot 1 in Block "A" as shown in Map Book 8 Page 21 with the said Easterly right-of-way margin of Steele Creek Road; thence in a Westerly direction crossing Steele Creek Road with a bearing and distance of South 86-24-00 West approximately 60 feet to a point, said point being the Northeasterly corner of Deed Book 9525 Page 120, being Lot 1 in Block "A" as shown in Map Book 8 Page 21, also being located on the Westerly right-of-way margin of Steele Creek Road; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly boundary line of said Lot 1 in Block "A" as shown in Map Book 8 Page 21, with a bearing and distance of South 86-24-00 West 220.34 feet to a point, said point being the Northwesterly corner of said Lot 1, also being the Northeasterly most corner of said Deed Book 1685 Page 88 and the Northerly most corner of Deed Book 7618 Page 465; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly boundary line of Deed Book 1685 Page 88, with the following (2) bearings and distances: 1) North 85-03-00 West 292.4 feet to a point, 2) North 82-18-00

West 135.1 feet to a point, said point being the Northwesterly corner of said Deed Book 1685 Page 88, also being a common corner with Deed Book 1531 Page 185; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly boundary line of said Deed Book 1531 Page 185 with the following (2) bearings and distances: 1) North 82-18-00 West 617.4 feet to a point, 2) North 85-45-00 West 837 feet to a point, said point being the Northwesterly corner of said Deed Book 1531 Page 185 being located on the Southerly right-of-way margin of Shopton Road West; thence crossing Shopton Road West in a Northerly direction approximately 61 feet to a point, said point being the Northerly right-of-way margin of Shopton Road West being located on the Easterly boundary line of Deed Book 15881 Page 56; thence in a Southwesterly direction following along and with the Existing Charlotte City Limits Line, also being the Northerly right-of-way margin of Shopton Road West, crossing Rock Island Road approximately 2,870 feet to a point, said point being located on the Northerly right-of-way margin of Shopton Road West and the Easterly property line of Lot 5 Block 12 as recorded in Map Book 39 Page 507; Thence in a Northerly direction leaving the said right-of-way margin and following along the Easterly property line of said Lot 5 with a bearing and distance of North 05-30-53 East 51.82 feet to a point, said point being the Northeasterly corner of said Lot 5; Thence in a Westerly direction following the Existing Charlotte City Limits Line, also being the rear property lines of Lots 5,6,7,8 in Block 12 as recorded in Map Book 39 Page 507, with a bearing and distance of North 86-14-26 West 436.3 feet to a point, said point being the Northwesterly corner of said Lot 8 and being a common corner with Lot 11 Block 12 as recorded in Map Book 39 Page 994; thence continuing in a westerly direction following along the Existing Charlotte City Limits Line, also being the rear property lines of Lots 11 through lot 24 in Block 12 and crossing the terminus of Chapeclane Road and continuing along the rear property lines of Lots 1 through 14 in Block 13 with a bearing and distance of North 86-14-26 West 1765.56 feet to a point as shown on recorded Map Book 39 Page 994, said point being the Southeasterly corner of Deed Book 13991 Page 419 and being located on the rear property line of said Lot 14; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the Easterly property lines of the following (5) Deeds: 1) Deed Book 13991 Page 419, 2) Deed Book 5839 Page 863, 3) Deed Book 4966 Page 564, 4) Deed Book 6126 Page 978, 5) Deed Book 10597 Page 796, with the following bearing and distance: North 11-37-50 East 1172.29 feet to a point, said point being the Northeasterly corner of said Deed Book 10597 Page 796 and being located on the Southerly right-of-way margin of Rock Island Road; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Southerly right-of-way margin of Rock Island Road, with the following (5) bearings and distances: 1) North 84-02-32 West 3.56 feet to a point, 2) North 80-44-25 West 98.44 feet to a point, 3) North 80-44-55 West 83.22 feet to a point, said point being the Northwest corner of said Deed Book 10597 Page 796, 4) North 83-44-55 West 14.99 feet to a point, 5) North 87-19-25 West approximately 8 feet to a point, said point being located on the Southerly right-of-way margin of Rock Island Road; thence crossing Rock Island Road approximately 60 feet to a point on the Northerly right-of-way margin of Rock Island Road, said point being the Southeasterly corner of Deed Book 9561 Page 739; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the Easterly property line of said Deed Book 9561 Page 739 with a bearing and distance of North 00-38-00 West 411 feet to a point, said point being the Northeasterly corner of said Deed Book 9561 Page 739; thence in a Westerly direction following along the Existing Charlotte City Limits Line also being the Northerly property line of said Deed Book 9561 page 739, with a bearing and distance of South 86-43-00 West 200 feet to a point, said point being the Northwesterly corner of said Deed Book 9561 page 739, also being the Northeasterly corner of Deed Book 6553 Page 689; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of said Deed Book 6553 page 689, with a bearing and distance of South 86-43-00 West 200.14 feet to a point, said point being the Northwesterly corner of said Deed Book 6553 page 689; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the property lines of Deed Book 5566 Page 722 with the following (3) bearings and distances: 1) North 00-49-55 West 217.74 feet to a point, 2) South 81-52-50 West 201.46 feet to a point, 3) South 00-56-49 East 217.69 feet to a point, said point being the Northeasterly corner of Deed Book

4303 Page 317; thence in a Westerly direction following along the Northerly property line of Deed Book 4303 Page 317 with a bearing and distance of South 79-03-28 West 200.03 feet to a point, said point being the Northeasterly corner of Deed Book 5070 Page 632; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of Deed Book 5070 Page 632, with a bearing and distance of South 75-38-19 West 206.11 feet to a point, said point being the Northeasterly corner of Deed Book 5015 Page 258; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of Deed Book 5015 Page 258 with a bearing and distance of South 75-38-19 West 207.60 feet to a point, said point being the Northeasterly corner of Deed Book 6183 Page 976; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of Deed Book 6183 Page 976, with a bearing and distance of South 86-27-20 West 199.86 feet to a point, said point being the Northeasterly corner of Deed Book 11917 Page 849; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of Deed Book 11917 Page 849, with a bearing and distance of South 88-37-29 West 199.30 feet to a point, said point being the Northeasterly corner of Deed Book 4658 Page 980; thence in a Northwesterly direction following along the Existing Charlotte City Limits Line, also being the Northerly property line of Deed Book 4658 Page 980, with a bearing and distance of North 53-45-01 West 271.53 feet to a point, said point being the Northwesterly corner of said Deed Book 4658 Page 980 being located on the Easterly property line of Deed Book 6835 Page 118; thence in a Northerly direction following along the Existing Charlotte City Limits Line, also being the Easterly property line of Deed Book 6835 Page 118, with a bearing and distance of North 04-23-10 East approximately 307 feet to a point, said point being the Northeasterly corner of said Deed Book 6835 Page 118; thence in a Westerly direction following along the Northerly property line of said Deed Book 6835 Page 118 with a bearing and distance of South 88-15-20 West 211.83 feet to a point, said point being the Northeasterly corner of Lot 6 as recorded in Map Book 26 Page 806; thence in a Westerly direction following along the Existing Charlotte City Limits Line, also being the Northerly Property line of Lot 6 with a bearing and distance of South 88-31-23 West 76.46 feet to a point, said point being located on the rear property line of Lot 7 as recorded in said Map Book 26 Page 806; thence in a Northwesterly direction following along the Existing Charlotte City Limits Line, also being the rear property lines of Lots 7,8 and 9 as recorded in said Map Book 26 Page 806, with a bearing and distance of North 26-27-56 West 153.47 feet to a point, said point being the Southwesterly corner of a 3.47 Acre Common Area as recorded in Map Book 30 Page 787; thence in a Northeasterly direction following along the Existing Charlotte City Limits Line, also being the Southerly and Easterly property lines of said 3.47 Acre Common Area, with the following (2) bearings and distances: 1) North 65-15-18 East 417.85 feet to a point, 2) North 23-49-01 West 137.59 feet to a point said point being a common corner with said 3.47 acre Common Open Space as recorded in Map Book 30 Page 787 and Deed Book 21978 Page 98; thence leaving the existing Charlotte City Limits Line in a Northerly direction, following along and with the contour of Lake Wylie, also being the rear boundary line as described in Deed Book 21978 Page 98 with the following (36) bearings and distances: 1) North 62-50-43 East 6.02 feet to a point, 2) North 05-55-32 East 28.42 feet to a point, 3) North 19-38-05 West 30.02 feet to a point, 4) North 45-05-13 West 34.01 feet to a point, 5) North 33-42-50 West 25.14 feet to a point; 6) North 57-31-47 West 87.28 feet to a point, 7) North 87-52-45 West 26.90 feet to a point, 8) North 58-37-28 West 14.61 feet to a point, 9) North 19-55-47 West 62.28 feet to a point, 10) North 37-04-49 East 46.78 feet to a point, 11) North 81-51-30 West 31.23 feet to a point, 12) North 22-15-59 West 31.87 feet to a point, 13) South 77-25-25 West 22.67 feet to a point, 14) North 62-04-06 West 15.74 feet to a point, 15) North 00-03-24 East 21.42 feet to a point, 16) South 21-38-50 West 18.71 feet to a point, 17) South 66-00-45 West 13.86 feet to a point, 18) North 09-48-24 West 49.37 feet to a point, 19) North 11-11-28 East 15.52 feet to a point, 20) North 68-29-40 East 31.23 feet to a point, 21) North 84-12-33 West 32.55 feet to a point, 22) South 47-19-03 West 15.11 feet to a point, 23) North 11-16-57 West 26.86 feet to a point, 24) North 40-57-56 West 15.40 feet to a point, 25) North 58-09-28 East 17.52 feet to a point, 26) North 85-05-42 West 16.85 feet to a point; 27) South 56-03-30 West 11.23 feet to a point, 28) North 74-07-18 West 15.17 feet to a point, 29) North 43-

22-09 West 8.55 feet to a point, 30) North 00-45-30 East 25.16 feet to a point, 31) South 69-34-40 West 16.76 feet to a point, 32) North 25-00-37 West 12.81 feet to a point, 33) North 54-06-36 East 25.33 feet to a point, 34) North 12-12-05 West 9.13 feet to a point, 35) South 79-39-49 West 13.71 feet to a point, 36) North 24-01-29 West 6.73 feet to a point, said point being the Northwesterly corner of Deed Book 21978 Page 98; thence in a Northerly direction following along and with the rear boundary line of Lot 61 as described in Deed Book 23148 Page 840 with the following (10) bearings and distances as described in Map Book 18 Page 57: 1) Thence North 42-26-00 West 4.00 feet to a point, 2) South 76-11-00 West 25.06 feet to a point, 3) North 81-32-00 West 20.62 feet to a point, 4) North 41-32-00 West 64.01 feet to a point, 5) North 20-18-00 West 90.21 feet to a point, 6) North 58-17- East 23.34 feet to a point, 7) North 83-07-00 East 34.78 feet to a point, 8) South 60-44-00 East 75.58 feet to a point, 9) South 85-44-00 East 47.38 feet to a point, 10) South 54-22-00 East 24.50 feet to a point, said point being the Northwesterly property corner of Lot 61 as recorded in said Map Book 18 Page 57; thence in a Northerly direction following along and with the rear boundary line of Lot 62 as described in Deed Book 9974 Page 705 with the following (14) bearings and distances as recorded in Map Book 29 Page 101: 1) Thence North 15-00-09 East 13.72 feet to a point, 2) North 44-07-32 West 16.06 feet to a point, 3) North 23-06-52 East 9.40 feet to a point, 4) North 47-27-48 East 23.94 feet to a point, 5) North 29-07-18 West 20.05 feet to a point, 6) North 34-16-50 East 12.26 feet to a point, 7) North 44-37-36 West 8.70 feet to a point, 8) North 80-46-12 West 8.76 feet to a point, 9) North 26-47-21 West 21.15 feet to a point, 10) North 17-10-35 East 47.52 feet to a point, 11) North 54-59-12 East 34.95 feet to a point, 12) South 82-57-31 East 61.32 feet to a point, 13) South 82-27-00 East 89.31 feet to a point, 14) South 73-40-09 East 29.87 feet to a point, said point being the Northeasterly corner of Lot 62 as recorded in said Map Book 29 Page 101; thence in a Northerly direction following along and with the rear boundary line of Lot 63 as described in Deed Book 20597 Page 505 with the following (4) bearings and distances as recorded in Map Book 18 Page 57: 1) North 37-39-00 East 73.93 feet to a point, 2) North 51-07-00 East 66.89 feet to a point, 3) South 60-42-00 East 13.42 feet to a point, 4) North 03-00-00 West 14.02 feet to a point said point being the Northwesterly corner of Lot 63 as recorded in said Map Book 18 Page 57; thence in a Northerly direction following along and with the rear boundary line of Lot 02 as described in Deed Book 20597 Page 505 and the rear boundary line of Lot 01 as described in Deed Book 21310 Page 607 with the following (34) bearings and distances as recorded in Map Book 41 Page 679: 1) North 10-00-10 West 31.01 feet to a point, 2) North 41-24-32 West 41.13 feet to a point, 3) North 25-16-22 West 17.78 feet to a point, 4) North 10-03-54 East 34.59 feet to a point, 5) North 33-09-24 East 57.99 feet to a point, 6) North 05-28-14 West 19.94 feet to a point, 7) North 32-17-28 East 30.33 feet to a point, 8) North 16-26-37 East 51.82 feet to a point, 9) North 28-48-47 East 21.27 feet to a point, 10) North 75-13-46 East 11.85 feet to a point, 11) North 16-47-25 East 61.07 feet to a point, 12) North 45-35-12 East 9.53 feet to a point, 13) North 06-01-26 East 20.14 feet to a point, 14) North 50-29-23 West 6.61 feet to a point, 15) North 16-20-29 East 9.28 feet to a point, 16) North 60-50-46 East 11.34 feet to a point, 17) North 19-49-23 East 30.81 feet to a point, 18) North 05-15-07 East 31.43 feet to a point, 19) North 45-45-04 East 12.35 feet to a point, 20) North 24-47-54 East 16.54 feet to a point, 21) North 11-21-09 East 12.16 feet to a point, 22) North 30-37-22 East 15.33 feet to a point, 23) North 43-22-20 East 29.92 feet to a point, 24) North 89-28-10 East 23.12 feet to a point, 25) South 66-30-21 East 18.60 feet to a point, 26) North 38-33-12 West 44.32 feet to a point, 27) North 26-32-44 East 29.14 feet to a point, 28) North 35-15-16 East 38.12 feet to a point, 29) North 11-32-27 East 13.77 feet to a point, 30) North 61-03-09 East 10.76 feet to a point, 31) North 22-12-13 East 11.33 feet to a point, 32) North 56-12-20 East 9.42 feet to a point, 33) North 01-26-27 West 15.42 feet to a point, 34) North 18-45-46 East 37.65 feet to a point, said point being the Northwesterly corner of Lot 1 as recorded in said Map Book 41 Page 679; thence in a Northerly direction following along and with the rear boundary line of Deed Book 19347 Page 355 with the following (6) bearings and distances as recorded in Map Book 44 Page 329: 1) North 18-45-46 East 28.34 feet to a point, 2) North 61-25-00 West 8.96 feet to a point, 3) North 00-57-48 East 102.27 feet to a point, 4) North 17-25-00 West 27.31 feet to a point, 5) North 20-14-00 West 13.42 feet to a point, 6) North 21-24-00 East 11.49 feet to a point, said point being the Northwesterly corner of said Deed Book 19347 Page 355, also being the Southwesterly corner of Lot 67; thence in a Northerly direction

following along and with the rear boundary lines of Lots 67 through Lots 79 with the following (64) bearings and distances as recorded in Map Book 18 Page 58: 1) North 61-25-00 West 8.96 feet to a point, 2) North 00-48-00 East 102.11 feet to a point, 3) North 17-25-00 West 27.31 feet to a point, 4) North 20-14-00 West 13.42 feet to a point, 5) North 21-24-00 East 11.49 feet to a point, 6) North 13-39-00 West 84.09 feet to a point, 7) North 22-12-00 East 23.19 feet to a point, 8) North 25-23-00 East 27.01 feet to a point, 9) North 12-37-00 East 18.21 feet to a point, 10) North 32-12-00 East 31.09 feet to a point, 11) North 05-06-00 East 85.11 feet to a point, 12) North 01-13-00 West 94.02 feet to a point, 13) North 10-49-00 West 47.43 feet to a point, 14) North 26-15-00 East 31.31 feet to a point, 15) North 48-17-00 East 36.05 feet to a point, 16) North 39-12-00 East 54.35 feet to a point, 17) North 71-11-00 East 31.14 feet to a point, 18) South 81-38-00 East 43.31 feet to a point, 19) North 54-41-00 East 50.04 feet to a point, 20) North 21-26-00 East 80.05 feet to a point, 21) North 13-49-00 East 17.69 feet to a point, 22) North 41-15-00 East 21.83 feet to a point, 23) North 72-50-00 East 56.29 feet to a point, 24) North 60-32-00 East 29.60 feet to a point, 25) North 04-44-00 East 12.31 feet to a point, 26) North 35-26-00 East 40.31 feet to a point, 27) North 13-50-00 East 64.03 feet to a point, 28) North 28-18-00 East 25.00 feet to a point, 29) North 45-48-00 East 40.06 feet to a point, 30) North 72-54-00 East 30.81 feet to a point, 31) North 89-09-00 East 44.79 feet to a point, 32) South 67-58-00 East 38.09 feet to a point, 33) South 65-40-00 East 78.70 feet to a point, 34) South 67-31-00 East 77.91 feet to a point, 35) South 76-47-00 East 39.35 feet to a point, 36) South 61-32-00 East 33.76 feet to a point, 37) South 62-04-00 East 17.15 feet to a point, 38) South 58-50 east 24.51 feet to a point, 39) South 46-49-00 East 32.02 feet to a point, 40) South 38-47-00 East 80.56 feet to a point, 41) South 17-16-00 East 35.44 feet to a point, 42) South 07-20-00 West 69.92 feet to a point, 43) South 03-23-00 East 37.00 feet to a point, 44) South 32-34-00 East 67.38 feet to a point, 45) South 13-33-00 West 22.36 feet to a point, 46) South 25-21-00 East 46.83 feet to a point, 47) South 73-28-00 East 48.66 feet to a point, 48) South 61-48-00 East 52.05 feet to a point, 49) South 60-30-00 East 98.26 feet to a point, 50) South 68-03-00 East 50.98 feet to a point, 51) North 87-44-00 East 44.77 feet to a point, 52) North 70-31-00 East 40.11 feet to a point, 53) North 79-50-00 East 34.30 feet to a point, 54) North 54-32-00 East 65.95 feet to a point, 55) North 49-36-00 East 96.87 feet to a point, 56) South 49-07-00 East 15.00 feet to a point, 57) South 19-37-00 East 34.93 feet to a point, 58) South 02-58-00 East 49.37 feet to a point, 59) South 50-21-00 West 39.39 feet to a point, 60) South 19-08-00 East 41.31 feet to a point, 61) South 04-23-00 West 19.72 feet to a point, 62) South 32-02-00 East 48.26 feet to a point, 63) North 63-55-00 East 10.00 feet, 64) South 26-05-00 East 21.17 feet to a point, said point being the Easterly rear corner of Lot 79, also being a common rear corner of a 4.24 acre parcel as described in Deed Book 17986 Page 905 and recorded in Map Book 40 Page 151; thence in a Northerly direction following along and with the rear boundary line of said 4.24 acre parcel with the following (37) bearings and distances as recorded in Map Book 40 Page 151: 1) South 50-39-01 East 101.09 feet to a point, 2) North 77-49-27 East 53.83 feet to a point, 3) South 17-43-50 West 41.13 feet to a point, 4) South 06-24-01 West 46.57 feet to a point, 5) South 76-32-49 East 8.00 feet to a point, 6) North 11-22-23 East 45.44 feet to a point, 7) North 38-31-02 East 79.03 feet to a point, 8) North 83-02-22 East 33.02 feet to a point, 9) North 53-58-06 East 134.78 feet to a point, 10) North 43-45-40 East 84.81 feet to a point, 11) North 44-16-20 East 48.08 feet to a point, 12) North 70-02-40 East 25.76 feet to a point, 13) South 79-29-59 East 51.60 feet to a point, 14) North 77-09-00 East 54.58 feet to a point, 15) North 46-55-31 East 66.71 feet to a point; 16) North 35-19-20 East 25.72 feet to a point, 17) North 00-36-58 East 11.02 feet to a point, 18) North 22-59-56 East 105.16 feet to a point, 19) North 48-54-26 East 22.72 feet to a point, 20) North 13-00-46 East 43.87 feet to a point, 21) North 70-24-51 East 42.43 feet to a point, 22) South 49-54-02 East 37.08 feet to a point, 23) North 76-26-58 East 16.69 feet to a point, 24) South 66-07-50 East 29.88 feet to a point, 25) South 36-35-55 East 9.76 feet to a point, 26) South 09-41-08 West 29.88 feet to a point, 27) South 35-20-44 West 19.44 feet to a point, 28) South 27-06-28 East 15.66 feet to a point, 29) North 33-05-27 East 32.18 feet to a point, 30) North 24-25-43 East 23.31 feet to a point, 31) South 80-17-27 East 12.87 feet to a point, 32) South 49-51-48 East 36.87 feet to a point, 33) South 38-25-58 East 26.18 feet to a point, 34) South 03-00-30 East 21.52 feet to a point, 35) South 28-45-20 East 28.68 feet to a point, 36) South 50-48-14 East 84.62 feet to a point, 37) North 88-42-55 East 111.76 feet to a point, said point being

the Easterly most corner of said 4.24 acre Parcel located on the Northwestern right-of-way margin of Windygap Road as recorded in said Map Book 40 Page 151; thence in a Northeasterly direction following along the Northwestern right-of-way margin of Windygap Road with a bearing and distance of North 66-31-00 East approximately 103 feet to a point, said point being the intersection of the Northeasterly property line of Parcel 1 extended as shown on Map Book 37 Page 811 with the said Northwestern right-of-way margin of Windygap Road; thence in a Southeasterly direction crossing said Windygap Road with the bearing of said Parcel 1, South 29-16-35 East 60 feet to a point, said point being located on the Southeasterly right-of-way margin of Windygap Road, also being the Northeasterly corner of said Parcel 1 as recorded in said Map Book 37 Page 811; thence continuing in a Southeasterly direction following along the rear boundary line of said Parcel 1 as described in Deed Book 14349 Page 146 and being recorded in said Map Book 37 Page 811 with the following (15) bearings and distances: 1) South 29-16-35 East 73.32 feet to a point, 2) South 64-03-47 East 41.40 feet to a point, 3) North 80-28-06 East 121.44 feet to a point, 4) South 04-03-04 West 19.92 feet to a point, 5) South 05-07-04 East 22.06 feet to a point, 6) South 02-38-52 West 36.08 feet to a point, 7) South 07-35-38 West 17.71 feet to a point, 8) South 04-30-08 East 7.94 feet to a point, 9) South 50-06-20 West 15.83 feet to a point, 10) South 11-57-51 East 55.88 feet to a point, 11) South 25-21-38 East 43.83 feet to a point, 12) South 48-17-30 East 25.33 feet to a point, 13) South 08-09-24 East 25.75 feet to a point, 14) South 42-14-03 East 10.39 feet to a point, 15) South 12-38-20 East 28.34 feet to a point, said point being the Southeasterly corner of said Parcel 1 as recorded in said Map Book 37 Page 811, also being a common corner with a 3.183 acre common open space as recorded in Map Book 44 Page 822; thence in a Southeasterly direction following along the rear boundary line of said 3.183 acre common open space with the following (22) bearings and distances: 1) South 12-38-20 East 17.10 feet to a point, 2) South 41-49-16 East 45.34 feet to a point, 3) South 09-06-51 West 38.21 feet to a point, 4) South 42-17-29 East 37.35 feet to a point, 5) South 09-24-39 East 12.72 feet to a point, 6) South 34-38-38 East 29.50 feet to a point, 7) South 17-38-34 East 23.05 feet to a point, 8) South 28-02-53 East 72.45 feet to a point, 9) South 17-21-58 West 16.07 feet to a point, 10) South 34-08-43 East 27.52 feet to a point, 11) South 04-59-40 East 12.41 feet to a point, 12) South 30-41-21 East 31.36 feet to a point, 13) South 18-41-19 East 75.39 feet to a point, 14) South 36-09-38 East 28.76 feet to a point, 15) South 18-20-24 East 59.88 feet to a point, 16) South 31-56-33 East 51.91 feet to a point, 17) South 20-43-30 East 66.39 feet to a point, 18) South 03-12-58 East 32.75 feet to a point, 19) South 42-07-16 East 61.48 feet to a point, 20) South 05-53-27 West 27.64 feet to a point, 21) South 28-04-22 East 38.20 feet to a point, 22) South 15-47-02 East 33.38 feet to a point, said point being the Southeasterly corner of said 3.183 acre common open space as recorded in Map Book 44 Page 822 and being located on the Northerly right-of-way margin of Glenburn Lane; thence in a Northeasterly direction following along the Northerly right-of-way margin of said Glenburn Lane with the following (6) bearings and distances as shown on Map Book 44 Page 491: 1) Thence North 58-46-46 East 364.52 feet to a point, 2) with a curve to the right having a radius of 530.00 feet, an arc length of 226.87 feet, with a chord bearing of North 71-02-33 East 225.14 feet to a point, 3) with a curve to the right having a radius of 530.00 feet, an arc length of 253.46 feet, with a chord bearing of South 82-59-39 East 251.05 feet to a point, 4) South 69-17-38 East 612.20 feet to a point, 5) with a curve to the right having a radius of 530.00 feet, an arc length of 121.35 feet, with a chord bearing of South 62-44-04 East 121.09 feet to a point, 6) South 62-14-57 East 41.38 feet to a point, said point being located on the Northerly right-of-way margin of said Glenburn Lane; thence in a Southeasterly direction crossing Berewick Commons Parkway with the bearing of South 62-14-57 East 90.97 feet to a point, said point being located on the Easterly right-of-way margin of Berewick Commons Parkway; thence in a Southwesterly direction following along the Easterly right-of-way margin of Berewick Commons Parkway with the following (2) bearings and distances: 1) with a curve to the left having a radius of 820.00 feet, an arc length of 270.57 feet, with a bearing and distances of South 30-09-32 West 269.34 feet to a point, 2) South 20-42-22 West 111.11 feet to a point, said point being located in the centerline of a creek, also being located on the northerly boundary line of a 3.437 acre Common Open space as shown on Map Book 44 Page 972; thence in an Easterly direction following along and with the centerline of said creek also being the Northerly boundary line of a 3.437 acre Common Open space, with

the following (6) bearings and distances: 1) South 63-30-27 East 17.65 feet to a point, 2) South 82-46-27 East 104.10 feet to a point, 3) South 47-12-27 East 124.52 feet to a point, 4) North 36-59-33 East 71.31 feet to a point, 5) South 80-48-27 East 156.94 feet to a point, 6) South 27-48-27 East 43.71 feet to a point, said point being located in the centerline of said creek, also being a common corner with said Map Book 44 Page 972 and Map Book 43 Page 873; thence in an Easterly direction following along and with the centerline of said creek, also following the Northerly boundary line of a 3.490 acre Common Open Space as shown on said Map Book 43 Page 873 with the following (5) bearings and distances: 1) North 71-02-33 East 150.55 feet to a point, 2) North 37-04-33 East 46.99 feet to a point, 3) North 74-36-33 East 135.63 feet to a point, 4) South 89-09-27 East 99.67 feet to a point, 5) South 62-33-43 East 105.65 feet to a point, said point being located in the centerline of a creek, also being a common corner with said 3.490 acre Common Open Space as shown on said Map Book 43 Page 873 and Tract 2 as described in Deed Book 12704 Page 894; thence in a Southeasterly direction following along the centerline of said creek, also being the Northerly property line of Tract 2 as described in Deed Book 12704 Page 894, with the following (24) bearings and distances: 1) Thence South 35-01-28 East 31.68 feet to a point, 2) South 42-43-05 East 38.27 feet to a point, 3) South 15-57-24 East 43.56 feet to a point, 4) South 39-09-37 East 13.28 feet to a point, 5) South 01-23-18 East 42.68 Feet to a point, 6) South 46-53-59 East 24.27 feet to a point, 7) South 63-01-58 East 26.76 feet to a point, 8) South 00-42-21 East 15.59 feet to a point, 9) South 50-06-19 East 19.20 feet to a point, 10) South 75-58-35 East 47.16 feet to a point, 11) North 89-23-38 East 24.10 feet to a point, 12) South 61-10-14-East 42.30 feet to a point, 13) South 86-21-13 East 45.02 feet to a point, 14) North 47-19-16 East 14.67 feet to a point, 15) South 71-46-38 East 11.27 feet to a point, 16) North 89-09-34 East 57.06 feet to a point, 17) South 75-29-05 East 22.30 feet to a point, 18) North 68-08-21 East 15.79 feet to a point, 19) South 79-49-55 East 19.97 feet to a point, 20) North 81-25-53 East 61.65 feet to a point, 21) South 76-10-38 East 34.98 feet to a point, 22) North 79-09-57 East 22.72 feet to a point, 23) South 62-02-18 East 13.67 feet to a point, 24) North 71-31-17 East 18.27 feet to a point, said point being located in the centerline of said creek, also being the common corner with said Tract 2 as described in Deed Book 12704 Page 894 and Deed Book 10630 Page 762; thence in an Easterly direction following along and with the centerline of said creek with the following (14) bearings and distances as described in Deed Book 12704 Page 890: 1) South 89-41-29 East 48.64 feet to a point, 2) North 84-20-58 East 57.65 feet to a point, 3) South 82-18-19 East 20.40 feet to a point, 4) North 63-14-32 East 23.58 feet to a point, 5) South 78-32-05 East 13.14 feet to a point, 6) North 63-47-50 East 17.65 feet to a point, 7) South 39-18-49 East 13.87 feet to a point, 8) North 86-32-23 east 37.01 feet to a point, 9) North 07-20-18 East 6.65 feet to a point, 10) North 88-06-47 East 32.30 feet to a point, 11) South 59-00-51 East 24.61 feet to a point, 12) North 71-34-33 East 71.34 feet to a point, 13) North 24-21-32 East 15.02 feet to a point, 14) North 71-17-17 East 94.68 feet to a point, said point being located in the centerline of said creek, also being a common corner with said Deed Book 10630 Page 762 and Deed Book 12704 Page 850; thence in a Northeasterly direction following along the Northerly property line of Deed Book 12704 Page 850 with the following (2) bearings and distances: 1) North 51-25-34 East 81.67 feet to a point, 2) North 56-48-08 East 308.13 feet to a point, said point being a common corner with said Deed Book 12704 Page 850 and Deed Book 22275 Page 745; thence in a Northeasterly direction following along the property line of Deed Book 22275 Page 745 with the following (2) bearings and distances: 1) North 56-07-06 east 409.11 feet to a point, 2) South 37-47-31 East approximately 574 feet to a point, said point being located on the Easterly property line of said Deed Book 22275 Page 745, also being the Northwesterly corner of Deed Book 23097 Page 602; thence in a Northeasterly direction following along the property line of Deed Book 23097 Page 602 with the following (4) bearings and distances: 1) North 52-33-00 East 374.78 feet to a point, 2) South 55-09-00 East 281.88 feet to a point, 3) South 23-07-00 East 206.05 feet to a point, 4) South 51-31-20 East approximately 389 feet to a point, said point being 30 feet Northeast of and normal to the centerline of Steele Creek Road; thence in a Northeasterly direction following along the Northwesterly right-of-way margin of Steele Creek Road approximately 140 feet to station 1+60-Y3/30' Lt. as described on a set of State Highway Plans identified as R-2248AC&AD, Project 8.U672217 and recorded in Map Book 3 Page 222; thence Northeasterly with the following (2) stations and offsets: 1) thence to station

1+106.00-Y3-/59.06'Lt., 2)thence to station 1+168.36-Y3-/59.06'Lt. said station being located at the Northwesterly right-of-way margin of Steele Creek Road and the Southerly right-of-way margin of Trojan Drive; thence crossing Trojan Drive to station 1+198.36-Y3-/59.06'Lt., said point being the Northwesterly right-of-way margin of Steele Creek Road and Northerly right-of-way margin of Trojan Drive; thence continuing in a Northeasterly direction following along the Northwesterly right-of-way margin of Steele Creek with the following (4) stations and offsets: 1) thence to station 1+280-Y3-/98.43'Lt., 2) thence to station 1+366.902-Y3-/98.43'Lt., 3) thence to station 1+400-Y3-/98.43'Lt., 4) thence to station 0+550-Ramp A-/82.02'Rt., said point marking the Northwesterly right-of-way margin of Steele Creek and the Southwesterly right-of-way Margin of I-485, also being located on the Northerly property line of Deed Book 16858 Page 913; thence continuing in a Northeasterly direction crossing I-485 approximately 1,340 feet to a point, said point having a station and offset of 0+560-Ramp D-/98.43' Lt.; Thence running in a Northeasterly direction to station 1+854-Y3-Rev./Existing R/W Lt., said point marking the Northwesterly right-of-way margin of Steele Creek and the Northerly right-of-way Margin of I-485, also being located on the Easterly property line of Deed Book 8734 Page 666; thence in an Easterly direction crossing Steele Creek Road with the extension of the Northerly property line of Deed Book 19181 Page 465, approximately 150 feet to a point, said point being the Northwesterly corner of said Deed Book 19181 Page 465; thence in a Southwesterly direction following along the Easterly right-of-way margin of Steele Creek Road, also being the Westerly property line of said Deed Book 19181 Page 465, approximately 39 feet to station 1+850-Y3-Rev./75.46'Rt., said point marking the Northeasterly right-of-way margin of Steele Creek Road and the Northerly right-of-way Margin of I-485; thence in a Southeasterly direction following along the Northerly right-of-way margin of I-485 crossing over Gable Road and Sandy Porter Road with the following (8) stations and offsets: 1) thence to station 0+652.214-Ramp C-/82.02'Rt., 2) thence to station 0+523.861-Ramp C-/147.63 Rt., 3) thence to station 0+300-Ramp C-/82.02'Rt., 4) thence to station 7+609.619-L-/196.85'Rt., 5) thence to station 7+380-L-/164.04'Rt., 6) thence to 7+170.886-L-/164.04'Rt., 7) thence to station 6+971.870-L-/164.04'Rt., 8) thence to station 6+870.807-L-/164.04'Rt., said station marking the Northeasterly right-of-way margin of Sandy Porter Road and the Northerly right-of-way Margin of I-485; thence in a Southeasterly direction crossing over I-485 approximately 520 feet to a point, said point being located on the Southerly right-of-way margin of I-485 and the Easterly right-of-way margin of Sandy Porter Road having a station and offset of 6+750.133-L-/164.04'Lt., also being the Northerly corner of Tract 2 as described in Deed Book 12015 Page 105; thence in a Southerly direction following along the Westerly right-of-way margin of I-485 also being the Easterly boundary line of Tract 2 as described in said Deed Book 12015 Page 105 with a curve to the right having a radius of 2132.54 feet, an arc length of 896.19 feet, with a chord bearing and distance of South 37-52-39 East 889.61 feet to a point, said point being a common corner with said Deed Book 12015 Page 105 and Deed Book 21916 Page 358; thence continuing in a southerly direction following along the Westerly right-of-way margin of I-485, also being the Easterly boundary line of Deed Book 21916 Page 358 with the following (2) bearings and distances: 1) with a curve to the right having a radius of 2131.60 feet, an arc length of 262.81 feet, with a chord bearing and distance of South 22-28-13 East 262.64 feet to a point, 2) South 17-44-55 East 95.76 feet to a point, said point being a common corner with said Deed Book 21916 Page 358 and Deed Book 11903 Page 72; thence continuing in a southerly direction following along the Westerly right-of-way margin of I-485, also being the Easterly boundary line of Deed Book 11903 Page 72 with the following (2) bearings and distances: 1) with a curve to the right having a radius of 2132.54 feet, an arc length of 187.06 feet, with a chord bearing and distance of South 13-48-07 East 187.00 feet to a point, 2) South 13-06-30 East 218.82 feet to a point, said point a common corner with said Deed Book 11903 Page 72 and Deed Book 12015 Page 105; thence continuing in a southerly direction following along the Westerly right-of-way margin of I-485, also being the Easterly boundary line of Deed Book 12015 Page 105 with the following (3) bearings and distances: 1) South 13-06-30 East 71.70 feet to a point, 2) South 03-19-02 East 332.47 feet to a point, 3) South 02-05-15 West 75.09 feet to a point, said point being a common corner with said Deed Book 12015 Page 105 and Tract 2 as shown in Map Book 36 Page 309; thence continuing in a southerly direction following along the Westerly right-of-way margin of I-485, also being the Easterly

boundary line of Tract 2 and Tract 4 as shown in Map Book 36 Page 309 with the following (4) bearings and distances: 1) South 02-05-37 West 240.51 feet to a point, 2) South 01-07-29 West 168.95 feet to a point, 3) with a curve to the left having a radius of 1738.82 feet, an arc length of 149.15 feet, with a chord bearing and distance of South 03-13-42 East 149.10 feet to a point, 4) with a curve to the left having a radius of 1738.82 feet, an arc length of 60.33 feet, with a chord bearing and distance of South 06-40-47 East 60.33 feet to a point, said point being a common corner with said Tract 4 as recorded in Map Book 36 Page 309 and Deed Book 22992 Page 572; thence continuing in a southerly direction following along the Westerly right-of-way margin of I-485, also being the Easterly boundary line of Deed Book 22992 Page 572 with a bearing and distance of South 07-42-00 east 217.37 feet to a point, said point being the POINT AND PLACE OF BEGINNING.

APPENDIX D

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

Owners of occupied dwelling units and owners of operating commercial or industrial property within the area proposed to be annexed have the right under Chapter 160A, Article 4A, Part 3 of the North Carolina General Statutes (the Annexation Statutes) to request the City to provide for extension of water and/or sewer lines to such property or to a point on a public street or road right-of-way adjacent to such property according to the financial policies in effect in the City for extending water and sewer lines. Those statutes require certain steps to be taken by qualified property owners and by the City. If those steps are taken in accordance with those statutes, both the City and qualified property owners under the Annexation Statutes will have different rights and obligations than would otherwise apply. Any property owner who is interested in pursuing such rights and obligations should review the Annexation Statutes for a description of such rights and obligations and should consider consulting with an attorney representing the property owner. The Annexation Statutes require that a request to extend a water and/or sewer line must be submitted on a form available from the office of the City Clerk and must be returned to that office no later than five (5) days after the public hearing on the question of annexing the area in order to preserve this right. (A copy of this form, and the instructions for its completion, may be found below.) As of the approval of this Report, the public hearing on the question of annexing the area is scheduled to be conducted during the City Council meeting scheduled for Monday, **October 27, 2008** beginning at 6:00 PM in the Meeting Chamber of the Charlotte-Mecklenburg Government Center, located at 600 East Fourth Street, Charlotte, North Carolina. The meeting schedule/location is subject to change in accordance with applicable law. Information about any changes in the meeting schedule/location of the City Council may be obtained from the City Clerk.

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

Residential sewer: \$3,373 for a conventional 4-inch sewer lateral to the property line with a standard ¾" water meter listed below if paid prior to construction of the requested sewer line. Larger sewer services will be at additional cost. Areas served by low pressure sewer systems (primarily lake front property) will require significant additional expense by the property owner for a low pressure sewer pumping system. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.

Residential water: \$1,777 for a standard ¾" water meter to the property line if paid prior to the construction of the requested water line. Larger water meters will be at additional cost. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.

Commercial/Industrial sewer: Fees are a function of the size of sewer connection required and the water meter size plus 50% of the cost to construct the requested sewer line. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221

Commercial/Industrial water: Fees are a function of the size of the water meter(s) required for the various water uses (ie. domestic, fire protection and irrigation) plus 50% of the cost to construct the requested water line. In addition there will be a backflow preventer. Please contact Charlotte-Mecklenburg Utilities New Services at 704-399-2221.

The above fees are based upon the fee structure in place for Fiscal 2009 (July 1, 2008 through June 30, 2009) and are the fees which would apply to requests made in accordance with the terms of this Request and the Annexation Statutes. All other requests for extensions will be subject to the fee structure in effect at the time of payment.

For the current annexation process, the deadline required by the Annexation Statutes for filing this form with the City Clerk is by the close of business on Monday, November 3, 2008.

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

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

Water Line: (Check one) _____ Yes; _____ No

Sewer Line: (Check one) _____ Yes; _____ No

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

a) Street address of the Subject Property _____

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

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

d) Attach map of Subject Property, if available.

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

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

(Note - attach additional sheets as necessary)

4. The undersigned certify(ies) that: he/she/they own(s) the Subject Property or is/are authorized to execute this Request on behalf of the owner(s); and no person or entity holds an ownership interest in the Subject Property to the best of his/her/their knowledge, except as listed in Paragraph 3 above.
5. The undersigned certify(ies) that: the Subject Property is located within the area to be annexed by the City of Charlotte, as described in the resolution of intent adopted by the City Council on _____, 20____ and designated in the resolution of intent as the _____ Area (insert name of annexation area (“Area”).
6. The undersigned certifies that the Subject Property is of one of the following types (check one):
 - _____ Occupied Dwelling Unit
 - _____ Operating Commercial Property
 - _____ Operating Industrial Property
 - _____ Other (If other, describe how the Subject Property is currently used on a separate sheet and submit as attachment to this request.)
7. The undersigned understand(s) and acknowledge(s) that, if this Request requires the extension of a water and/or sewer line along the right-of-way of a street or road, this Request shall be effective *only* if such street or road has been accepted for maintenance as a public street or road by the State of North Carolina on or before the date of the public hearing for the Area. If such street or road has not been accepted for maintenance as a public street or road by the State of North Carolina by such date, the requested extension will not be required to be made. If such street or road is accepted for public maintenance by the State of North Carolina or the City of Charlotte after the date of the public hearing for the Area, a new request for an extension of water and/or sewer lines may be submitted. The water and/or sewer line(s) included in such a new request will be installed after receipt of the new request in accordance with the policies of the City of Charlotte for water and/or sewer extensions that are in effect at that time.
8. The undersigned understand(s) and acknowledge(s) that: this Request form was supplied by the City of Charlotte as provided by law; this Request form must be properly completed, executed and received by the City Clerk (Charlotte Mecklenburg Government Center, 600 East Fourth Street, Charlotte, NC 28202) not less than 5 days after the public hearing on the question of annexing the Area in order to be valid; time is of the essence in all matters related to the submission and implementation of this Request; and the requested extension will be made according to the current financial policies of the City of Charlotte for making such extensions, which may require substantial advance financial participation by the owner(s) of the Subject Property.
9. All funds which the owner(s) of the Subject Property is/(are) required to pay under current financial policies must be received by the Director of Charlotte-Mecklenburg Utilities (5100 Brookshire Blvd., Charlotte, NC 28216) within twenty (20) calendar days after written demand by the City of Charlotte is mailed to the owner(s) of the Subject Property, using the name(s) and address(es) appearing in Paragraph 3 above. This written demand will be no sooner than the effective date of this annexation which is June 30, 2009. Failure to pay all funds in full and in a timely manner will render this Request void automatically and the requested extension will not be required to be made.
10. The rights, privileges and obligations vested in the owner(s) of the Subject Property by the due execution and timely submission of this Request may not be transferred in any manner.

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

SIGNATURES:

SIGNATURES:

(Note: Attach additional sheets as necessary)

EXHIBIT A

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

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

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

Do Not Write Below This Line

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

Signature: _____
Clerk (Deputy/Assistant)

Date: _____

APPENDIX E

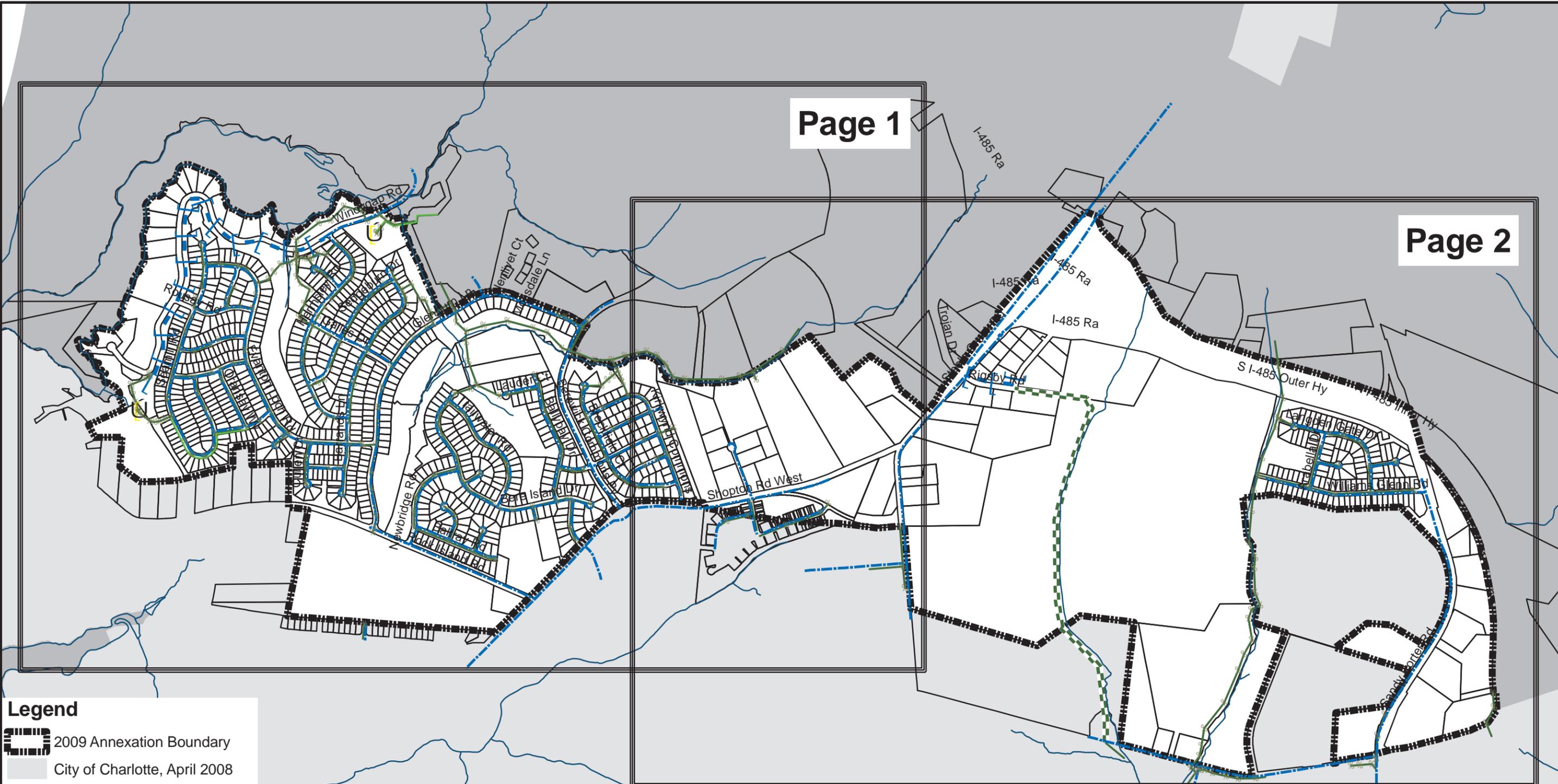
NOTICE OF POTENTIAL RIGHTS TO OWNERS OF AGRICULTURAL LAND, HORTICULTURAL LAND AND FORESTLAND IN THE AREA

Owners of agricultural land, horticultural land and forestland in the area proposed for annexation may have rights to a delay in many of the effects on such land of the proposed annexation of the area. G.S. 160A-49(f1) and (f2) provide that land being taxed at present-use value pursuant to G. S. 105-277.4 qualifies for a delay in many of the effects of the proposed annexation. G.S. 160A-49(f1) and (f2) also provide that the owner of land that was eligible for present-use value taxation on **July 28, 2008** but which has not been in actual production for the time period required by G.S. 105-277.3 may qualify for a delay in many of the effects of the proposed annexation by making application to the Mecklenburg County Tax Assessor's Office for certification thereof to the City. For qualified tracts, the proposed annexation will not become fully effective, including taxation and services, until the last day of the month in which the tract or part thereof becomes ineligible for present-use value classification under G.S. 105-277.4 or no longer meets the requirements of G.S. 160A-49(f1)(2). Upon the proposed annexation of the area, any qualified tracts: will be considered part of the City only (1) for the purpose of establishing City boundaries for additional annexation and (2) for the exercise of City authority pursuant to Article 19 of Chapter 160A of the North Carolina General Statutes (planning, zoning, and regulation of development); will not be taxed by the City and will not be entitled to services from the City as a result of annexation; and will continue to be provided police protection service and water and sewer service by the City in the same manner as such services are provided to such tracts by the City prior to the proposed annexation. Upon the proposed annexation of the area and at such time as a tract or part thereof becomes ineligible for any delay in the effects of annexation as set forth above, all City services will be provided to such tract or part thereof on substantially the same basis and in the same manner as such services are provided in the City. The Mecklenburg County Tax Assessor's Office will provide information to the City on the eligibility of owners for the rights described above.

APPENDIX F

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

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



Legend

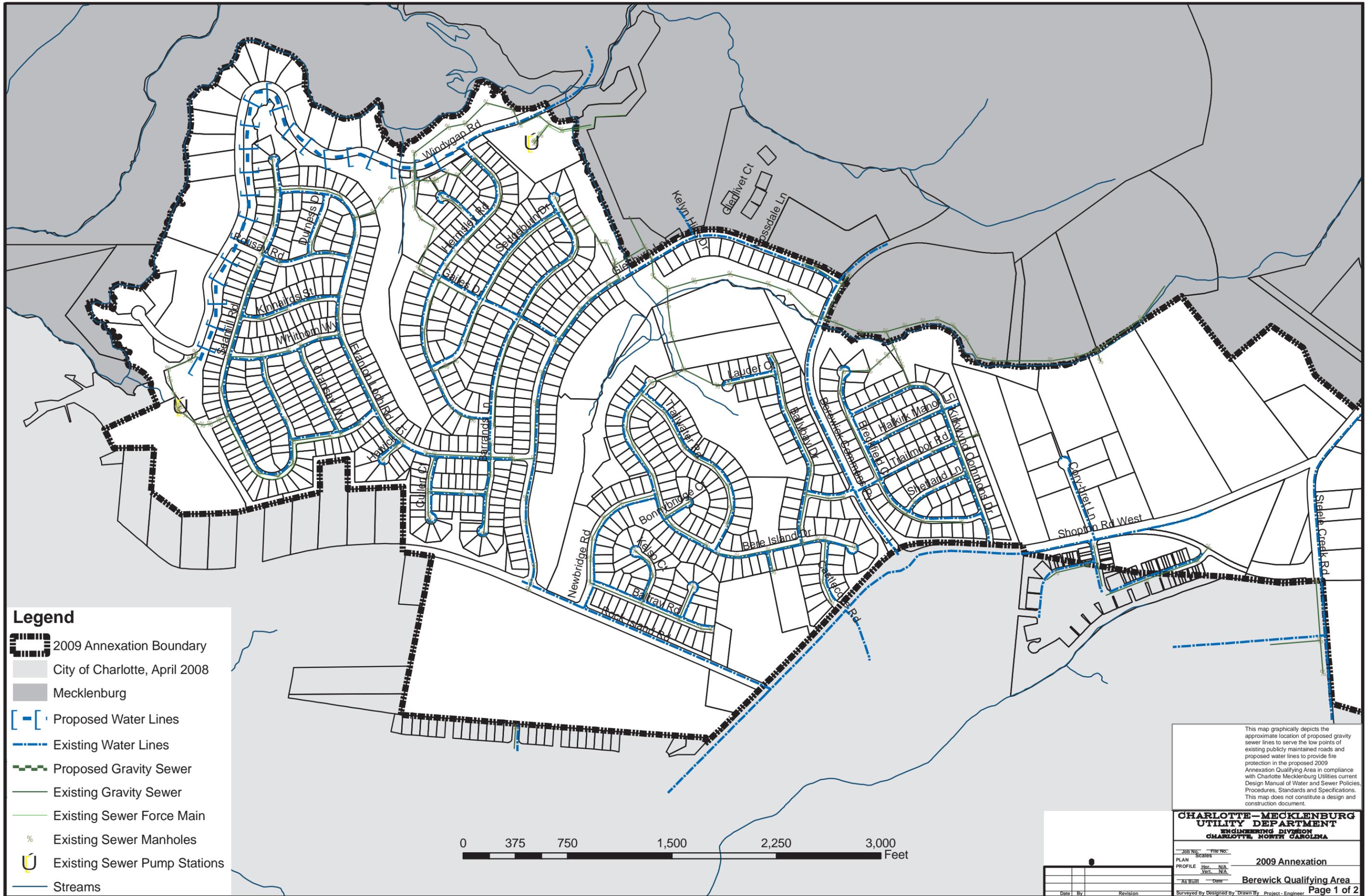
-  2009 Annexation Boundary
-  City of Charlotte, April 2008
-  Mecklenburg
-  Proposed Water Lines
-  Existing Water Lines
-  Proposed Gravity Sewer
-  Existing Gravity Sewer
-  Existing Sewer Force Main
-  Existing Sewer Manholes
-  Existing Sewer Pump Stations
-  Streams



This map graphically depicts the approximate location of proposed gravity sewer lines to serve the low points of existing publicly maintained roads and proposed water lines to provide fire protection in the proposed 2009 Annexation Qualifying Area in compliance with Charlotte Mecklenburg Utilities current Design Manual of Water and Sewer Policies, Procedures, Standards and Specifications. This map does not constitute a design and construction document.

CHARLOTTE - MECKLENBURG UTILITY DEPARTMENT
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

Job No.	File No.
PLAN	2009 Annexation
PROFILE	Hor. N/A
	Vert. N/A
As Built	Date
Berewick Qualifying Area	
Surveyed By	Designed By
Drawn By	Project - Engineer



Legend

-  2009 Annexation Boundary
-  City of Charlotte, April 2008
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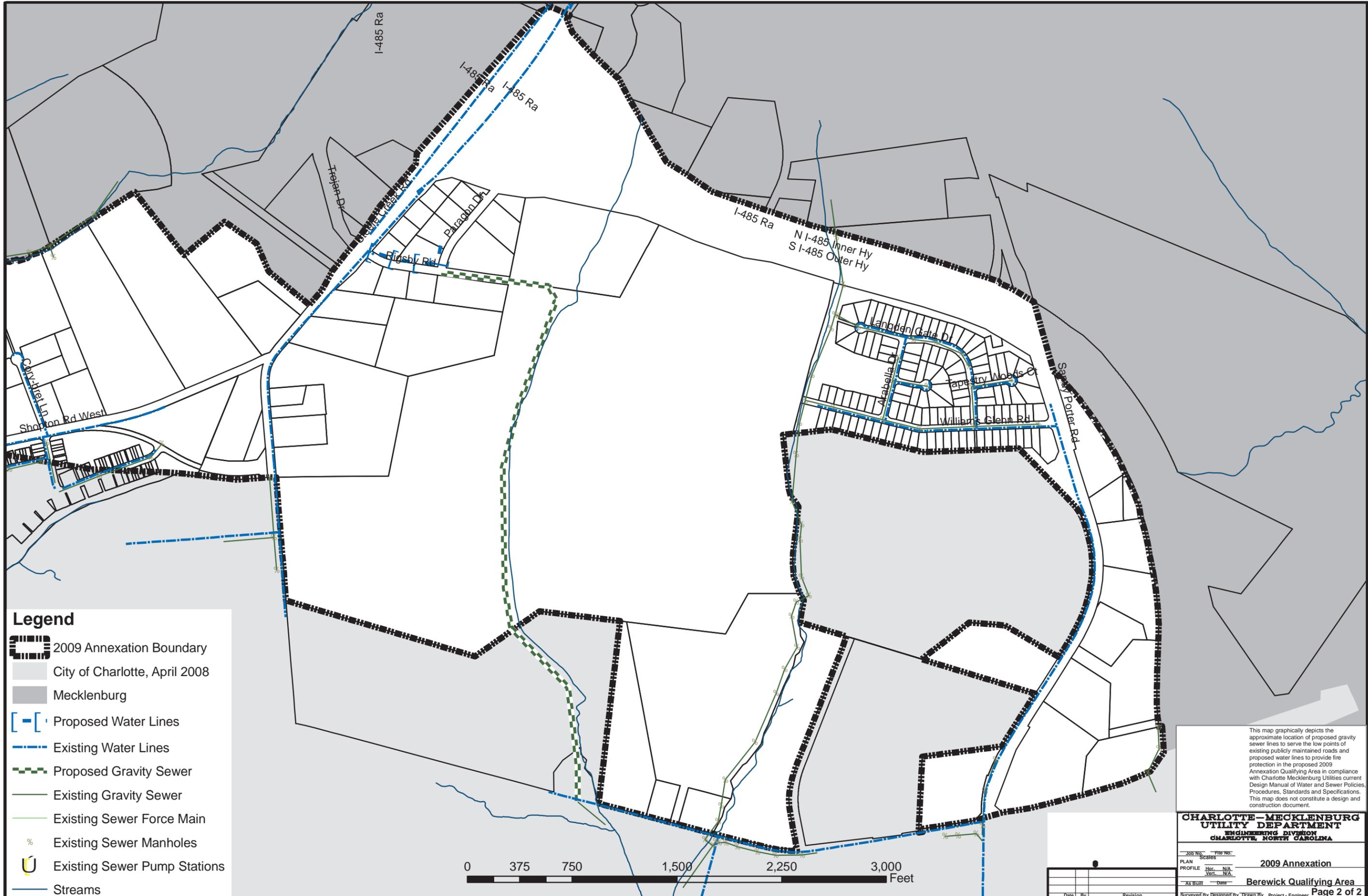


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**CHARLOTTE-MECKLENBURG
UTILITY DEPARTMENT**
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA

JOB NO.	FILE NO.	2009 Annexation
PLAN	Scales	
PROFILE	Hor. N/A	Berwick Qualifying Area
VERT. N/A	Vert. N/A	
AS BUILT	Date	Page 1 of 2
Surveyed By	Designed By	Drawn By
		Project - Engineer

Date	By	Revision



Legend

-  2009 Annexation Boundary
-  City of Charlotte, April 2008
-  Mecklenburg
-  Proposed Water Lines
-  Existing Water Lines
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**CHARLOTTE-MECKLENBURG
UTILITY DEPARTMENT
ENGINEERING DIVISION
CHARLOTTE, NORTH CAROLINA**

JOB NO.	FILE NO.	2009 Annexation
PLAN	Scales	
PROFILE	Hor. N/A	Berwick Qualifying Area
	Vert. N/A	
AS BUILT	Date	Page 2 of 2
Surveyed By	Designed By	
Drawn By	Project - Engineer	