

RESOLUTION ACCEPTING THE
VOLUNTARY RELINQUISHMENT OF
CHATHAM COUNTY APPROVALS RELATED TO
PARKER SPRINGS SUBDIVISION
PURSUANT TO THE NORTH CAROLINA PERMIT EXTENSION ACT OF 2009
(AMENDED BY SESSION LAW 2010-177)

WHEREAS, in response to recent economic conditions the North Carolina General Assembly enacted the Permit Extension Act of 2009 (amended by Session Law 2010-177) suspending the running of the period of approval for certain development permits during the four (4) year period from January 1, 2008 until December 31, 2011 (the "Permit Extension Act"); and

WHEREAS, the Permit Extension Act provides for local governments to accept voluntary relinquishments of development approvals by the holder of the development approval; and

WHEREAS, Parker Springs Subdivision (the "Development" or the "Property") was granted preliminary plat approval by Chatham County on May 5, 2008 allowing a maximum of 50 lots upon 87 acres; and

WHEREAS, Parker Springs, LLC, the owner of the Development (the "Developer"), has offered to relinquish all prior County approvals, including, without limitation, sketch design approval, preliminary plat approval, and County concessions regarding waterline construction granted at the August 1, 2011 Board of Commissioners' meeting, (collectively the "Approvals") in order to allow the Property to revert to its raw land, unapproved status; and

WHEREAS, the relinquishment of the Approvals will not adversely affect the ad valorem tax value of the property in the Development or the tax revenues to be generated therefrom; and

WHEREAS, the Developer offered for dedication the road rights-of-way for "Parker Springs Way", "Adger Court", and "Newcastle Court" as shown on the preliminary plat, but no such offer has been accepted nor have said roadways been constructed; and

WHEREAS, the Developer wishes to withdraw said offers of dedication and relinquish the right to use said road names in order to allow more flexibility for the future development of the Property; and

WHEREAS, the Developer or its assigns hold various other regulatory permits and development approvals necessary for the future development of the Property which will not be affected by relinquishment of the Approvals; and

WHEREAS, the Developer paid certain development fees to the County, including a water availability fee in the amount of \$175,000.00 which was required by the County as a part of the development approval of the 50 subdivision lots in Parker Springs on May 8, 2008; and

WHEREAS, the County reserved 18,000 gallons per day of water capacity to the Developer in consideration of the payment of said fees; and

WHEREAS, according to paragraph 6 of the County's Water System Availability Fee Ordinance, capacity fees can be refunded upon request within five years of payment; and

WHEREAS, the Developer has requested that upon relinquishment of the Approvals said fees be refunded by the County and that the water capacity reserved by the County for the Development be relinquished and made available to others; and

WHEREAS, at this time the Property remains undeveloped with all of the property affected by this request in the single ownership of the Developer; and

WHEREAS, based upon the foregoing, the Board of Commissioners wishes to accept the voluntary relinquishment of the Approvals for Parker Springs upon the terms and conditions hereinafter set forth;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Chatham County as follows:

1. The requested voluntary relinquishment of all prior County approvals, including, without limitation, sketch design approval, preliminary plat approval, and County concessions regarding waterline construction granted at the August 1, 2011 Board of Commissioners' meeting, with respect to the Parker Springs Subdivision be, and they hereby are, accepted.

2. The requested voluntary withdrawal of the offers of dedication of the road rights-of-way for "Parker Springs Way", "Adger Court", and "Newcastle Court", as shown on the plat is hereby acknowledged and accepted.

3. The real property depicted upon the preliminary plat of Parker Springs Subdivision shall revert to its raw land, unapproved status.

4. The water capacity or availability fees paid by the Developer to the County in the amount of \$175,000.00 for Parker Springs Subdivision shall be refunded by the County to the Developer and the 18,000 gallons per day of water capacity shall revert to the County without obligation to the Developer.

5. A certified copy of this Resolution shall be recorded in the Register of Deeds of Chatham County at the expense of the Developer.

6. The terms and covenants of this resolution shall be binding upon the Developer, its successors and assigns, and shall run with the Property.

7. If any section, phrase, or provision of this Resolution is for any reason declared invalid or illegal, such declaration shall not affect the validity of the remainder of the sections, phrases, or provisions hereof.

8 This Resolution shall be effective upon its adoption.

Adopted this ____ day of _____, 2012.

COUNTY OF CHATHAM

By: _____
Brian Bock, Chair
Chatham County Board of Commissioners

ATTEST:

Sandra B. Sublett, CMC, NCCC, Clerk to the Board
Chatham County Board of Commissioners

PARKER SPRINGS, LLC VOLUNTARILY RELINQUISHES THE APPROVALS GRANTED TO PARKER SPRINGS SUBDIVISION IN ACCORDANCE WITH THE TERMS OF THIS RESOLUTION AND REQUESTS THAT CHATHAM COUNTY ACCEPT SUCH RELINQUISHMENT.

PARKER SPRINGS, LLC

Printed Name:
Manager