



# City Council Agenda

Thursday, December 12, 2019

6:00 PM

35 Cabarrus Avenue, W, Concord NC 28025

Cell phones are to be turned off or placed on vibrate during the meeting. Please exit the Council Chambers before using your cell phone.

The agenda is prepared and distributed on Friday preceding the meeting to Council and news media. A work session is then held on the Tuesday preceding the regular meeting at 4:00 pm.

**I. Call to Order**

**II. Pledge of Allegiance and Moment of Silent Prayer:**

**III. Approval of Minutes:**

November 12 and November 14, 2019.

**I. Organization and Procedure of City Council**

**A. Oath of Office administered to City Council Members**

**B. Establishment of time and place for Council's regular meetings and work sessions**

**C. Election of Mayor Pro-Tem for CY2020**

**II. Presentations**

**1. Presentation of a Proclamation to Derek "Tank" Schottle.** Tank is a 29-year old, six sport Special Olympics Athlete from Texas. He is an advocate and fundraiser for the Special Olympics and an anti-bullying crusader. He is the recent recipient of the Specialized Education for All Learners (SEAL) Foundation Don Redman Profile Compassion and Courage Award.

**2. Recognition of Ian Crane for obtaining the North Carolina Associate Emergency Manager Certification.** North Carolina General Statute 166A, Article 5 authorizes the North Carolina Division of Emergency Management, to create a voluntary certification program for the profession of Emergency Management in the State of North Carolina. The certification program's purpose is to "strengthen and enhance the professional competencies of emergency management personnel in State and local emergency management agencies." After taking the state exam and submitting records of education, training hours, and public safety experience, Ian's documentation was officially accepted by the North Carolina Emergency Management Association in October. While attending the North Carolina Emergency Management Conference in November, Ian was presented with his official certification by the Director of North Carolina Emergency Management, Mike Sprayberry.

**3. Presentation of retirement plaque to Captain Lester H. Cragan, III for over 30 years of service with the City of Concord Fire Department.** Captain Cragan began his career April 5, 1989 for the City of Concord. During his career, he received numerous certifications including NC Fire Officer 1 & 2, Haz-Mat technician, and technical rescuer. Lester is a level 2 certified instructor and level 3 firefighter for the State of North Carolina. Lester is a graduate of Central Piedmont Community College with an Associate's Degree in Fire Protection. Lester was promoted through the department reaching ranks of Engineer in 1995, Senior firefighter 1997, and Captain in 1998. Captain Cragan has been

assigned to fire stations 1, 2, 3, 4, 5, 7, and 9 during his career. Lester has been married to his wife, Janet, for 40 years. They have two children and one granddaughter.

4. **Presentation of a retirement plaque to Terry Paxton for over 31 years of loyal and dedicated service with the City of Concord Water Resources Department.** Terry worked his entire career in the Water Resources department. Most recently as a Water Meter Technician. Terry's work included replacing water meters, troubleshooting meter issues, repairing water meter leaks, and more recently installing and troubleshooting water meter communication modules. Terry also served two terms on the City's Customer Service Design Committee.

### **III. Unfinished Business**

### **IV. New Business**

#### **A. Informational Items**

1. **Presentation of the Independent Auditor's report on the comprehensive annual financial report for fiscal year ending June 30, 2019.** G.S. 159-34 requires each unit of local government or public authority to have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local government accounts. The auditor shall be selected by and report directly to the governing board. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting principles, all disclosures in the public interest require by law, and the auditor's opinion and comments relating to the financial statements. A copy of the report will be available upon request and is also available on the City's website. The City's auditor firm for fiscal year ending June 30, 2019 is Elliott Davis, PLLC.

#### **B. Departmental Reports**

#### **C. Recognition of persons requesting to be heard**

#### **D. Public Hearings**

1. **Conduct a public hearing to consider adopting an ordinance amending Articles 7, 8 and 14 of the Concord Development Ordinance (CDO) relative to Permissible uses.** With the adoption of the Concord 2030 Land Use Plan in March, 2018, there are numerous recommendations for future development which may only be achieved with revisions of the CDO. Furthermore, the CDO has not had a major wholesale revision since 2007, and it is necessary to modernize numerous provisions. The City has retained Tindale-Oliver to prepare most of the revisions, but staff is preparing some also, and the revisions will be coming for review and adoption in different phases. The first set of revisions relate to the permitted use chart in Article 8. It will be necessary to further revise the chart in the future after the consultant revises some of the supplemental standards for specific uses. A future revision will also include a modification of the use category chart (which assists in administration) and conversion of it to an appendix to further simplify the ordinance. This amendment contains items that the staff considers to be critical and time-sensitive in nature, and these revisions were discussed by the Planning Technical Team (PTT) at their September meeting. Following staff's presentation at the November meeting, the Planning and Zoning Commission unanimously voted to refer the item to City Council for consideration. Most of the revision to the permitted use chart is simple reformatting and simplification. There are however, ten (10) major changes to the chart. They are as follows: 1) Removal of townhomes from C-2 district and clarification of how they are allowed in the O-I district; 2) Restriction of multifamily in the commercial districts and clarification of how they are allowed in O-I; 3) Clarification of how accessory dwelling units are permitted; 4) Clarification of the definition of homeless shelter/soup kitchen and adoption of spacing standards; 5) Removal of sexually oriented businesses as special

uses to comply with the First Amendment; 6) Adoption of a category of event center (not a banquet home) and associated design standards; 7) Removal of self-service storage/mini-warehouses from the C-2 district; 8) Addition of a requirement for a repair bay for automotive repair and tire sales; 9) Removal of warehousing/distribution from I-2 and permitting them as special uses with supplemental standards; and 10) Adoption of supplemental standards and a modernized definition for truck terminals. The specifics of the changes are summarized in the attached Executive Summary. As a strikethrough of the existing chart would be too difficult to read, we have included a version of the existing chart for comparison purposes. Staff will conduct a thorough presentation of all of the changes to ensure the Council understands these changes. The changes have been publicized through a press release and the City's Facebook page. Furthermore, all recognized neighborhoods have been noticed through NextDoor. Two comments were received prior to the Planning Commission meeting. One comment concerned the amount of multifamily development and the other comment expressed concern about the minimum lot size for a homeless shelter/soup kitchen. The minimum lot size was two (2) acres and after discussion, the Commission recommended a one (1) acre minimum. This change has been incorporated into the ordinance.

**Recommendation:** Motion to adopt an ordinance amending Articles 7, 8 and 14 of the CDO relative to permitted uses, supplemental standards and definitions.

- 2. Conduct a public hearing to consider adopting an ordinance amending the 2030 Land Use Plan relative to Table 5-3, Future Land Use Categories.** The 2030 Land Use Plan was adopted in 2017. In the year and a half since adoption, City Staff has encountered scenarios where the Land Use Plan needs minor corrections; specifically Chapter 5, Land Use, as it relates to Table 5-3, Future Land Use Categories, and the applicable zoning districts to the Land Use categories. Staff suggests that Table 5-3 be amended to add and delete zoning classifications from several Land Use Categories to be in conformance with the overall intent of the Land Use Plan and to accommodate accurate and City zoning districts. Amending the Land Use Plan will decrease the number of rezoning's that must go before City Council for a Land Use Plan amendment and will also eliminate zoning districts and uses within incompatible areas such as the Industrial/Employment Land Use Category. The Planning and Zoning Commission reviewed the proposed amendments at their November 17, 2019 meeting and unanimously voted to recommend the document to City Council for approval.

**Recommendation:** Motion to adopt an ordinance to amend the 2030 Land Use Plan relative to Table 5-3, Future Land Use Categories.

- 3. Conduct a public hearing and consider adopting an ordinance annexing one parcel of land, located at 301 Goodman Rd (PIN 4690-48-8666) owned by Steven Greer Poplin and Mary Beth Poplin.** The subject property consists of approximately 3.72 Acres and is located at 301 Goodman Road, on the east side of Goodman Road, southwest of Glen Afton Blvd. Jason Banks with Orsborn Engineering (authorized agent) has requested annexation of the subject property in order to construct additional parking for an industrial project directly to the south. The applicant has provided a draft site plan indicating the anticipated layout of the project. The subject property boundaries are indicated in red. The subject property is depicted by the provided annexation map and is contiguous to the City of Concord primary corporate limits. If the annexation is adopted, City staff intends to administratively propose a rezoning to I-2 (Heavy Industrial). The current County zoning is LI (Light Industrial). The 2030 Land Use Plan (LUP) designates the subject property as Industrial and I-2 is a corresponding zoning district to the Land Use Category.

**Recommendation:** Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for December 12, 2019.

**4. Conduct a public hearing and consider adopting an ordinance for annexation of four (4) parcels located on the northeast side of the Rocky River Road and Lower Rocky River Road intersection.** The authorized petitioner for the annexation is Keith Rains, PE, of McKim and Creed. The subject property consists of +/- 56.83 acres on the northeast corner of Rocky River Road and Lower Rocky River Road. The property is also adjacent to the southwest corner of the Mills and Rocky River project, and west of Rocky River Elementary School. The applicant has proposed to annex the subject property for the development of a single-family detached subdivision. Should annexation be adopted, a request for the RV-CD (Residential Village Conditional District) zoning classification will be presented to the Planning and Zoning Commission. A preliminary site plan indicating a maximum of 113 lots has been submitted and is attached. This site plan has been through one complete round of technical site review by City staff and is currently under the second submittal review. Additional modifications may be required as a result of this and subsequent reviews. The property is currently zoned CR (Countryside Residential) in Cabarrus County which permits a density of up to one (1) dwelling unit per acre. Under the current annexation/rezoning proposal, density would be +/- 1.95 dwelling units per acre. The subject property is located within the 2030 Land Use Plan's Suburban Neighborhood Land Use Category, Conservation District Character Area, and the Central Area Plan's Very Low Density development guide. RV and conditional district variations are compatible zoning classifications to the Land Use Category. However, the Central Area Plan's guidance only allows density up to 1 unit per two acres or 2 units per acre with additional development standards. Additional development standards have not been provided to demonstrate why the additional density should be considered beyond one (1) unit per acre. They are not required at the time of annexation but will be prior to rezoning. As Council is aware, the 2030 Land Use Plan's Conservation District Character Area sets basic recommendations for developments in this area. However, specific Development Ordinance standards have not yet been adopted for regulation of subdivisions in this area but are currently in the composition process. With that said, staff cannot say with 100% certainty what the final Conservation Subdivision standards will be and therefore will be limited to reviewing the rezoning proposal against current basic subdivision standards and the minimal and suggestive (not required by ordinance) guidance provided by the Land Use Plan until those regulations are adopted. The LUP Criteria as it relates to conservation district character area: Maintain large, wide blocks of contiguous habitat to avoid habitat fragmentation by conserving 50% or more of the site if possible; Maintain functional connections between core habitat areas that wildlife can travel through to avoid isolating habitats; Major roads and large developments, make wildlife travel difficult or impossible while working farms and forests are more conducive to species movement; Protect rare landscape elements, sensitive areas and associated species; Natural open spaces, such as wetlands, riparian and native upland forests, will protect water, air, and wildlife much better than manicured open spaces; Allow patterns of natural disturbance to continue such as periodic fire and river flow patterns; Encourage habitat management, which can be funded by homeowner associations and parks departments; Ensure that the native tree and shrub species of the region will be retained by species and diameter requirements and minimize the introduction and spread of nonnative, invasive species; Avoid land uses that deplete or degrade natural resources in environmentally sensitive areas, including habitat for species of conservation concern; Define specific buffer widths, based on science, within which no permanent structures are allowed; Encourage the management of stormwater on site through Low Impact Development techniques such as rain gardens, native vegetation, constructed wetlands and swales; Accommodate a mix of housing densities, from large lots to more affordable and attractive condo-type development, on site due to open space amenities and attractive housing appearance; Contiguous open space can be owned by the homeowner

association; Coordinate with local land trust, Soil and Water Conservation District, and Extension agency to assist with conservation planning and projects, and potential ordinance amendments.” Staff’s opinion is that this project does not meet the intent of the Conservation Subdivision section of the 2030 Land Use Plan as no specified Low Impact Development Standards have been discussed, absence of tree survey/tree save proposal, no defined incorporation of native plant species, and the lack of a mixture of housing types. Should Council annex the subject property and the plan proceed to the Planning and Zoning Commission or rezoning, staff will advise the Commission that the plan does not appear to be in conformance with the Land Use Plan. As an alternative, since a City zoning classification must be applied to the property after annexation, staff would recommend RE (Residential Estate) for conformity with the surrounding area and the 2030 Land Use Plan.

**Recommendation:** Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for December 12, 2019.

- 5. Conduct a public hearing and consider adopting an ordinance for annexation of five (5) parcels located to the southeast of the Fountainview Ave. and Roberta Rd intersection, and southeast of the Marlboro Drive SW and Shadowcrest Dr SW intersection.** The property is owned by Journey Capital LLC and the authorized petitioner for the annexation is Josh Collins of PresPro, LLC. Portions of this property were part of an annexation request that came before City Council on August 8, 2019 for the purpose of establishing sixteen (16) single family attached units (townhomes) on three (3) parcels. The annexation petition was denied, as City Council did not find the proposed use consistent with the surrounding neighborhood. The same owner and applicant have now submitted a new application and site plan for a single-family development, with the inclusion of two additional parcels, as detailed below. The subject property consists of four (4) parcels approximately 2.583 acres, and one (1) parcel of 0.742 acres, totaling 3.325 acres. Four (4) of the parcels are located on the east side of Roberta Road, south of Fountainview Avenue, and one (1) parcel is located southeast of Marlboro Dr. SW, on the west side of Shadowcrest Dr. SW. The subject property is depicted by the provided annexation map and is contiguous to the City of Concord primary corporate limits. If the annexation were to be approved, the applicant intends to pursue a rezoning to RV-CD (Residential Village Conditional District) for the purpose of establishing twelve (12) single-family lots. A site plan has been submitted delineating the proposed layout that includes seven (7) parcels ranging from 7,649 sq. ft. to 7,800 sq. ft. The parcel located at 3160 Shadowcrest Dr. SW., approximately 0.742 acres, is shown to be subdivided into three (3) single family lots, ranging from 9,296 sq. ft. to 13,608 sq. ft. If the zoning district of RV-CD were to be approved with the stated use, the density would be 3.58 dwelling units per acre (du/a). NCDOT has reviewed and approved the dual access points leading to an internal private drive on Roberta Road. However, the site plan is currently under review with City staff and initial comments indicate that the design may not meet City standards for Fire turning radius and access. Furthermore, the Solid Waste department has voiced concerns related to the turn radius and the utilization private streets requiring a damage waiver. Overall, Solid Waste does not recommend the proposed design from a service standpoint. Additional comments are forthcoming and may result in layout modification. The current County zoning is MDR (Medium Density Residential). The 2030 Land Use Plan (LUP) designates the subject property as Suburban Neighborhood and RV and conditional district variations as corresponding zonings districts to the Land Use Category. According to the LUP, "The Suburban Neighborhood Future Land Use category includes single-family areas that are formed as subdivisions or communities, with relatively uniform housing type and density throughout. They may support a variety of single-family detached residential types, from low-density to denser formats of smaller single-family homes." Staff's interpretation of the Land Use Plan relative to the proposal is that the proposed 7,800-

13,608 square foot lots are substantially smaller than the surrounding properties (which average 30,000 square feet), and therefore, are inconsistent with the surrounding neighborhood and intent of the Land Use Plan. Should City Council annex the subject property, the site plan will need to be finalized prior to being presented to the Planning and Zoning Commission. As it currently stands, staff will advise the Planning & Zoning Commission that the proposed lot sizes are incompatible with the neighboring residential and that the current design, featuring the internal private street, poses concerns for reviewing departments. Since a zoning classification would need to be applied after annexation, if the RV-CD is denied, staff would recommend the RL (Residential Low Density) zoning district (20,000 sf lots) for conformity with the modified 2030 LUP, surrounding residential lots, and current lot sizes.

**Recommendation:** Conduct a public hearing and consider a motion adopting the annexation ordinance and set the effective date for December 12, 2019.

#### **E. Presentations of Petitions and Requests**

**1. Consider approving and submitting a Letter of Support from the City of Concord for the Sam Leder "I've Got Your Back" Scholarship.** The Sam Leder "I've Got Your Back" Scholarship will provide financial assistance to local high school students who plan to attend either Rowan-Cabarrus Community College, Cabarrus College of Health Sciences, Stanly Community College or Central Piedmont Community College. High School students from every Cabarrus County high school system, including A.L. Brown, will be eligible to apply. The Scholarship will be managed by the Foundation for the Carolinas with assistance from the Academic Learning Center during the fundraising phase.

**Recommendation:** Motion to approve and submit a Letter of Support from the City of Concord for the Sam Leder "I've Got Your Back" Scholarship

**2. Consider authorizing the City Manager to negotiate and execute a contract with Hall Contracting Corporation for the installation of the NC Highway 49 30" water main.** The NC Highway 49 30" water main project consists of the installation of approximately 2,995 linear feet of 30" water transmission main between Erickson Ct., SE to west of Atando Rd. This new water line will further enhance system pressure and enable greater volumes of water to be distributed throughout the system more efficiently as outlined in the City's recently completed Water Master Plan Project. The project was bid under the formal bidding process. Bids were taken on November 21, 2019 and 7 bids were received. The lowest responsible bidder was Hall Contracting Corporation in the amount of \$1,927,783, which is within budget.

**Recommendation:** Motion to authorize the City Manager to negotiate and execute a contract with Hall Contracting Corporation in the amount of \$1,927,783 for the installation of the NC Highway 49 30" water main.

**3. Consider declaring as surplus and authorizing the sale of eight (8) Caterpillar 3516 diesel Peak Shaving Generator units.** This will be a surplus sale of eight (8) Peak Shaving Generator units, nearing their "end of life cycle", that were previously used to reduce peak system demands, resulting in a financial gain under the City's prior Wholesale Power Purchase Agreement (PPA). Electric staff negotiated a guaranteed capacity credit in the current PPA, which allows for the financial gain without the need to peak shave. Sale of the generators is coupled with extensive decommissioning efforts for the site, including removal of; three (3) 10,000-gallon fuel tanks, four (4) 1,000-gallon tanks, cooling equipment, exhaust stacks, structure venting system, associated electrical switch-gear and fuel/oil piping and filtration systems. A request for proposals to purchase the generators and perform the decommissioning work was issued and bids were received. The highest responsive bid was received from KTF Contractor Services LLC. in the amount of \$50,100 with net proceeds to the City.

**Recommendation:** Motion to declare eight (8) Caterpillar Diesel Peak Shaving Generator units as surplus and accept a bid to purchase the units and

decommission the site from KTF Contractor Services LLC, in the amount of \$50,100.

4. **Consider appointing/reappointing two members (1 board member and 1 alternate) to serve on the Centralina Council of Governments (CCOG) Board of Delegates for CY 2020.** The CCOG Board of Delegates is comprised of elected officials from the counties and municipalities throughout the region. Each member government should appoint an elected official to serve on the Board of Delegates. It is suggested that each member government also appoint at least one other elected official to serve as an Alternate to attend Board of Delegates meetings in the Delegate's absence. Currently, Council Member Crawford serves as the appointed member and Mayor Pro-Tem Sweat serves as the alternate.

**Recommendation:** Motion to appoint/reappoint two members (1 board member and 1 alternate) to serve on the Centralina Council of Governments (CCOG) Board of Delegates for CY 2020.

5. **Consider making appointments/reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).** Each year, the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives and alternates. Currently, Council Member King serves as the appointed member to the TAC and Council Member McKenzie serves as the alternate. Transportation Director, Phillip Graham, serves as the appointed member to the TCC and Assistant City Manager, LeDerick Blackburn, serves as the alternate.

**Recommendation:** Motion to make appointments/reappointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO).

6. **Consider making an appointment to the Water Sewer Authority of Cabarrus County (WSACC) Board.** An appointment is needed on the WSACC Board to fill a vacancy.

**Recommendation:** Motion to appoint Jeff Corley to the WSACC Board.

7. **Consider a Preliminary Application from Melissa Jo Sides.** In accordance with City Code Chapter 62 Melissa Jo Sides has submitted a preliminary application to receive sewer service outside the City limits. The property is located at 4636 Roberta Road. The parcel is .258 acres, zoned MDR and has one existing single family home. The home is currently served with water and the applicant is requesting sewer service.

**Recommendation:** Motion to accept the preliminary application and have the owner proceed to the final application phase including annexation.

## V. Consent Agenda

- A. **Consider authorizing the Fire Department to apply for a Cannon Charitable Interest organization grant for a portable Fire Safety House.** The inflatable fire safety house will be used to allow participants to practice fire escape routes and can be used inside schools and buildings. The requested grant will be 100% funded or the equipment.

**Recommendation:** Motion to authorize the Fire Department to apply for the Cannon Charitable Interest organization grant for the purchase of a portable Fire Safety House.

- B. **Consider authorizing Housing Department staff to submit an application for the Family Self-Sufficiency Program grant.** The Family Self-Sufficiency Program provides grant funding to pay the salary and benefits of the program coordinators whose primary responsibility is to guide and connect participants to needed training and resources. Participants in the program gain access to the support they need in order to achieve their self-sufficiency goals and move up the economic ladder.

**Recommendation:** Motion to authorize Housing Department staff to submit an application for the Family Self-Sufficiency Program grant.

- C. Consider adopting an ordinance ordering the demolition of the structure located at 652, 654, 656 & 658 Faith Dr. (PIN# 5529-54-8818) owned by Tregg S. Holbrook & wife Yessinia R Holbrook, Donald Lee Newton Sr., Donald Lee Newton Jr., Steven D. Ross, AEGIS Wholesale Corp., and Mortgage Electronic Registration Systems Inc.** The structure is located on a single parcel, which has a building tax value of \$135,220 per Cabarrus County land records. Upon inspection, the structure was considered to be dilapidated. Michael Coble, Code Enforcement Officer, opened the case June 12, 2017. The Finding of Fact and Order to Repair or Demolish was issued on June 28, 2017. The order to repair or demolish said structure was not extended. The order to repair or demolish expired on July 31, 2017. After contacting the Holbrook's they stated they would just let the property go. The Newton's, and Steven Ross, signed hold harmless agreement's; AGIS Wholesale Corp is defunct; the Secretary of State and Mortgage Electronic Registration Systems, Inc. was served notices which were rejected; and there has been no attempt to come into compliance with this case. No civil penalties have been imposed.

**Recommendation:** Motion to adopt an ordinance ordering the demolition of the structure located at 652, 654, 656, & 658 Faith Dr.

- D. Consider accepting an Offer of Dedication of an access easement and approval of the maintenance agreement.** In accordance with the CDO Article 4 the following access easements and maintenance agreements are now ready for approval: Moss Creek Charlotte, LLC, (PINs 4681-29-8785, 4681-39-1295, 1681-39-1660)) 9245 and 9339 Davidson Highway and TAC Niblock, LLC, (PIN 5611-02-7007) 449 Hutton Forest Drive NW. Access easement and SCM maintenance agreement is being offered by the owners.

**Recommendation:** Motion to approve the maintenance agreements and accept the offers of dedication on the following properties: Moss Creek Charlotte, LLC and TAC Niblock, LLC.

- E. Consider accepting an Offer of Infrastructure at Settlers Landing Townhomes Ph 2 Mp2.** In accordance with the CDO Article 5 improvements have been constructed in accordance with the City's regulations and specifications. The following is being offered for acceptance: 861' of roadway.

**Recommendation:** Motion to accept the offer of infrastructure in the following subdivisions and sites: Settlers Landing Townhomes Ph 2 Mp2.

- F. Consider adopting ordinances to amend the Stormwater operating fund and the Stormwater project fund to approve additional funding for the Stormwater stream restoration project.** On November 14, 2019 City Council approved additional funding of \$290,000 for the stream restoration project. These amendments will allocate \$101,777 of reserves, which is money left from completed projects, and \$188,223 that will be transferred from the Stormwater available retained earnings to the stream project.

**Recommendation:** Motion to adopt ordinances to amend the Stormwater operating fund and the Stormwater project fund to approve additional funding for the Stormwater stream restoration project.

- G. Consider adopting an ordinance to amend the FY 2019/2020 Budget Ordinance for the General Fund to appropriate insurance reimbursements received.** The City of Concord received insurance reimbursements to cover repairs and replacement of damaged vehicles and property. The attached budget ordinance will appropriate these funds to the respective impacted departments.

**Recommendation:** Motion to adopt an ordinance to amend the FY 2019/2020 Budget Ordinance for the General Fund to appropriate insurance reimbursements received.

**H. Consider approval of Tax Releases/Refunds from the Tax Collection Office for the month of October 2019.** G.S. 105-381 allows for the refund and/or release of tax liability due to various reasons by the governing body. A listing of various refund/release requests is presented for your approval, primarily due to overpayments, situs errors and/or valuation changes.

**Recommendation:** Motion to approve the Tax releases/refunds for the month of October 2019.

**I. Consider acceptance of the Tax Office reports for the month of October 2019.** The Tax Collector is responsible for periodic reporting of revenue collections for the Tax Collection Office.

**Recommendation:** Motion to accept the Tax Office collection reports for the month of October 2019.

**J. Receive monthly report on status of investments as of October 31, 2019.** A resolution adopted by the governing body on 12/9/1991 directs the Finance Director to report on the status of investments each month.

**Recommendation:** Motion to accept the monthly report on investments.

- VI. Matters not on the Agenda**
- VII. Comments made by Council of non-business nature**
- VIII. Closed Session**
- IX. Adjournment**

\*IN ACCORDANCE WITH ADA REGULATIONS, PLEASE NOTE THAT ANYONE WHO NEEDS AN ACCOMMODATION TO PARTICIPATE IN THE MEETING SHOULD NOTIFY THE CITY CLERK AT (704) 920-5205 AT LEAST FORTY-EIGHT HOURS PRIOR TO THE MEETING.



**DATE:** November 25, 2019  
**CASE:** Executive Summary for Proposed Permitted Uses Revision  
**PREPARED BY:** Kevin Ashley, AICP –Deputy Planning Director

**BACKGROUND**

This memorandum is intended to serve as a summary to describe the proposed revisions to Article 8 (permitted uses). The City adopted the 2030 Land Use Plan (LUP) in 2018 and these revisions are part of a wholesale rewrite of the Concord Development Ordinance (CDO) to align the ordinance with the recommendations contained in the LUP. Furthermore, the last wholesale revision of the CDO occurred in 2007 and this effort is intended to modernize the development standards and to make the ordinance more user-friendly.

**SUMMARY**

As a “strikethrough” version of the current use table would be very difficult to read, this memorandum describes all of the proposed changes, and those changes are identified by number. Except for those listed, below, the permitted uses in the respective zoning districts have not changed, and have only been reformatted.

**GENERAL NOTE ON REFORMATTING**

One purpose of the change to the table is to simplify the chart as there are numerous redundancies within the article. As part of the revision, these use categories headings within the use table have been condensed in an effort to make this section easier to administer and easier for the citizens to read. The rewrite includes some revisions to the “use categories” table in Section 8.2, which clarifies the uses permissible and prohibited in different categories. The use categories table will be adopted, at a later date, as an appendix in order to further simplify Article 8.

Some of the changes to the permitted uses also involve uses that are either permissible with supplemental standards, or are special uses with standards. These uses are denoted either as “PS” or “SS” within the respective zoning district. The far right column, labeled “standards” refers to the section of the CDO that contains that standard. In the instances where these standards have been developed and/or amended, they are included in the summary below.

## MAJOR CHANGES IN USE TABLE

1. **Townhomes/attached single family residential**
  - a. Townhomes have been removed from C-2 as permitted uses
  - b. Section 7.7.4.E is proposed to be amended to state that townhomes in O-I must be incidental to an institutional use such as church or school.
2. **Multifamily:** Multifamily is proposed to remain in the districts as currently permitted with the following changes.
  - a. Section 7.8 is proposed to be amended to state that apartments in C-2 (remaining as special uses) and C-1 and B-1 shall only be permissible on 30% of the land area of the site, with the maximum density governed by the land use plan. For example, a 10 acre parcel in a land use designation that allows 8 units per acre would yield a maximum of 24 units. Any units located on the upper floors of a commercial building would be exempt from these density limitations and would not subject the proposed development to issuance of a special use permit.
  - b. Section 7.8 will also clarify that no density limits are applicable in Center City (CC) district, which has been the historical interpretation.
  - c. Section 7.8 will also state that apartments in O-I must be incidental to an institutional use such as church or school
3. **Accessory Dwellings:** Changed from special use to by-right with existing development standards (accessory dwelling no larger than 50% of principal home)
4. **Homeless shelter/soup kitchen:** These uses are being split from “social service institutions.” Development standards are proposed to require at least a two acre minimum site, with spacing of a minimum of 800 feet from an existing homeless shelter/soup kitchen. A modernized definition is proposed.
  - 8.3.4.I Homeless Shelter/Soup Kitchen**

Homeless shelters/soup kitchens shall have a minimum lot area of two (2) acres. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

**Homeless Shelter/Soup Kitchen:** A facility that provides for the needs of homeless people, including shelter, food, sanitation and various other forms of support.
5. **Sexually Oriented Businesses:** Per court rulings, spacing requirements remain in place, but these uses are no longer required as special uses, but are permissible by right if the standards are met.
6. **Event Center:** This use is one which has been historically permitted in commercial districts. This change allows the use in C-1, C-2 and CC with standards. A definition has been included.
  - 8.3.5.R Event Center**

With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

**Event Center:** An indoor commercial enterprise utilized for celebrations and special events such as weddings, receptions, family reunions, corporate retreats and the like.

7. **Self Service Storage/Mini-Warehouse:** These uses have been removed from C-2 (where they were permitted as special uses) and remain as uses permitted by standards in the Industrial (I-1 and I-2 districts). The consultant is working on refinements for the design standards.
8. **Automobile Repair/Tire Shops:** The locations where these uses are permissible is not changing. An adoption of new standards to require a repair bay or indoor repair space (which is a historical interpretation) is proposed.

#### **8.3.6.I Automobile Repair (Major and Minor) /Tire Sales**

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

9. **Warehousing and Storage/Product and Distribution Center:** These uses are proposed to be removed from the I-2 (Heavy Industrial) district and will be permissible in the I-1 (Light Industrial) district as a special use. The special use standards are intended to locate these facilities on appropriately sized transportation facilities.

#### **8.3.7.F Product Distribution Center, Warehousing and Storage, Non-farm related products**

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

10. **Truck Terminal:** This use is proposed to be a special use in I-2, with standards.

This revision is proposed to differentiate the use from warehousing/product distribution. A modernized definition is proposed to replace the one in Article 14. The special use standards are intended to locate these facilities on appropriately sized transportation facilities and to protect adjacent residential properties.

**Truck/freight terminal:** a specialized building/complex used for redistributing goods from one truck to another, serving as an intermediate transfer point. Freight is brought in by truck and assembled/stored for routing in intrastate and interstate shipment by truck. This facility includes the parking of tractor and/or trailer units. These facilities are used for staging loads (rather than long-term storage) and possess little, if any long-term storage area. The terminal may also have repair/ maintenance areas and/or dormitory units for the overnight housing of drivers. A terminal is distinct from

warehouse/distribution uses which are either origin or final destination points.

**8.3.7.G Truck Terminals and Support Facilities**

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

**Use Table**

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
OPEN USES																
Agriculture	Animal Production and Support Facilities	P	PS	PS												8.3.2.A
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, Raw Materials	P													P	
	Farm Supply Store without outdoor storage	P											P	P	P	
	Farm Supply Store with outdoor storage	P											PS	PS	P	
	Sawmill/lumber processing	S														
	Swine Farm	S														
	Warehousing and Storage, farm related products	P													P	
	Livestock Auction	PS													PS	8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C
	Borrow Pit	PS												PS	PS	
RESIDENTIAL USES (See 8.2.2(b))																

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
Household Living (see 8.1.1.A and section ? for accessory uses)	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P			
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS							7.7
	Single Family Attached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS							7.7 <sup>1</sup>
	Multifamily Dwelling/Apartment							SS	PS	PS	PS	PS	SS			7.8 <sup>2</sup>
	Duplex/Triplex							PS	PS							
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS								8.3.3 <sup>3</sup>
Group Living	Congregate Care Senior Housing							PS	PS	PS	PS	PS	PS			8.3.3.D
	Group Home	SS	SS	SS	SS	SS	SS		SS	SS	PS	PS	PS			
	Family Care Home	PS	PS	PS	PS	PS	PS	PS	PS							8.3.3.E
	Homeless Shelter/Soup Kitchen								SS	SS						8.3.4.I <sup>4</sup>
	Social Service Institution								SS	SS			PS			8.3.4.F
PUBLIC AND CIVIC USES																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P			
	Convention Center									S	SS	P	P			
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.4
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							PS	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade															
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			
Government Facilities	Animal Shelter	SS											SS	PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
	Visitor Bureau								P	P	P	P	P	P			
Medical Facilities	Medical Clinic/Urgent Clear								P	P	P	P	P				
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P				
	Hunting, Fishing, Game Preserve	S															
Passenger Terminals	Air transportation and related support facilities	S											P	P	P		
	Bus Charter Service, including passenger terminal													P	P		
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand										SS	SS	PS				
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS	PS	SS	SS	PS	P				8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P				8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P		
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P		
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	P	P		
	Water Treatment Facility	P											P		P		
	Solar Farm	SS															
<b>COMMERCIAL USES</b>																	
Indoor Recreation (see 8.3.5.0)	All Indoor Recreation except as listed below											P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)											P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards		
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P					
	Auditorium or Assembly Hall, more than 350 seats								PS	PS	SS	PS	P					
	Bowling Center										P	P	P					
	Firing & Archery Range, Indoors												P	P				
	Go-Kart Track												P	PS		8.3.5.P		
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS			8.3.5.P	
	Motion Picture Theater, Indoor										P	P	P					
	Performing Arts Company								P	P	P	P	P					
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS				8.3.5.A & City Code Chapter 6, Article II	
	Sexually Oriented Business												PS	PS	PS		8.3.5.B <sup>5</sup>	
	Skating Rink, Indoor										P		P	S				
Office	All Offices, except as listed below								P	P	P	P	P	P				
	Advertising & Related Services								P	P	P	P	P	P	P			
	Bail Bonding Office											P	P					
	Collections Agency								P	P	P	P	P					
	Credit Bureau									P	P	P	P					
	Data Processing, News Service									P	P	P	P					
	Detective Agency								P	P	P	P	P					
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P				
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P				
	Financial Institution								P	P	P	P	P					
	Industrial Design Service								P	P	P	P	P	P				
Insurance Agency								P	P	P	P	P						
Legal Service								P	P	P	P	P						

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
	Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P			
	Scientific Research & Development Service								P	P	P	S	P	P			
	Stock or Security Brokerage Firm								P	P	P	P	P				
	Telemarketing, Call Centers								P	P	P	P	P	P			
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P		
Outdoor Recreation	Amusement Park	P											P	P	P		
	Baseball Hitting Range, Golf Driving Range											P	P				
	Country Club	P	P	P	P	P	P	P				P	P				
	Equestrian Boarding Riding Arena, Commercial	P	P														
	Miniature Golf Course										P	P	P				
	Motion Picture Theater, drive-in	S											S	P			
	Racetrack and Spectator Sports, including racing test track														P	P	
	Recreational Instruction and Camps, Indoor or Outdoor	P															
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P				
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS				8.3.5.C
	Campground	PS															8.3.5.D
Parking, Commercial							PS	PS	PS	PS	P	P	P	P			8.3.5.E

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Private Club										SS		SS			8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, drive-thru or drive-in											P	P			Standards being drafted
Alcoholic Beverage Production (see 8.2.6.J)	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	
Retail Sales and Services	All retail sales and service except as listed below									P	P	P	P			
	ABC Store											P	P			
	Animal Clinic/Hospital/Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P		
	Animal Obedience School	SS											PS	PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P		
	Auction Sales Establishment												P			
	Blueprinting and Drafting Service								P	P	P	P	P			
	Building Material Supply no outdoor storage											P	P	P		
	Building Material Supply with outdoor storage												PS	P	P	8.3.5.G
	Cemetery Monument Dealer												P	P		
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store										PS	SS	PS	PS		8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)										P	P	P	P	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P			
	Electronics Sales and Repair										P	P	P	P			
	Event Center										PS	PS	PS				8.3.5.R <sup>6</sup>
	Farmer's Market/Produce Stand	P								P	P	P	P				8.3.5.I
	Flea Market	P											P	P	P		
	Floor Covering Store										P	P	P				
	Grocery/Food Store									P	P	P	P				
	Fortuneteller, Divination, Palmistry												S				
	Funeral Home								P	P		P	P	P			
	Internet/Electronic Gaming									PS		PS	PS				8.3.5.L
	Laundromat (self service)									P	S	P	P				
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											P	P			8.3.5.j
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P			
	Massage Therapist								P	P	P	P	P	P			
	Pawnshop										S	S	P				
	Photofinishing Laboratory												P	P	P		
	Printing and Related Support Activities												P	P	P		
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P				
	Shopping Centers, greater than 25,000 sq. ft.												P				
	Sign or Banner Shop with outdoor storage													P	P		
	Sign or Banner shop without outdoor storage										P	P	P	P			
	Swimming Pool, Hot Tub Sales and Service												P	P			
	Tattoo Parlor, Body Piercing												PS				
	Taxidermist												P				

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
	Weight Loss Centers								P	P	P	P	P				
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E 7	
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H	
	Automobile Parts, Tires and Accessories Store									PS		PS	PS	PS		8.3.6.I 8	
	Automobile Repair, Major												PS	PS		8.3.6.H 8.3.6.I 8	
	Automobile Repair, Minor										PS	PS	PS	PS	PS	8.3.6.D 8.3.6.I 8	
	Automobile Wash (carwash) including detailing service												P	P	P		
	Manufactured Home Sales												PS	PS		8.3.6.F	
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings												PS	PS	PS		8.3.6.G
	Truck Stop, Travel Plaza													P	P		
<b>INDUSTRIAL USES</b>																	
Light Industrial Service	Truck/Construction Equipment Rental													PS	P		
	Flex/Office Space												P	P	SS		
	All light industrial service, except as listed below												P	P			
	Cabinet and Woodwork Shop											P	P	P			
	Equipment Supply House, commercial												P	P	P		
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A	
	LP Gas & Heating Oil Dealer												P	P	P		
	Machine Shop												P	P	P		
	Musical Instrument Manufacturing												P	P	P		
	Pest Control Service											P	P	P			
	Portable Toilet Service														P		
	Small Engine Repair												P	P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Tire Recap and Repair Facility													P		
	Upholstery Shop											P	P	P		
	Shipping Container Development							PS	PS	PS	PS	PS	PS	PS		
Warehouse and Freight Movement	Electronic Shopping, Mail Order House												P	P		
	Moving and Storage Facility												P	P		
	Product Distribution Center												SS		9 8.3.7.F	
	Rail Transportation and Support Facilities												P			
	Warehousing and Storage, Non-farm related products												SS		9 8.3.7.F	
	Truck Terminal and Support Facilities													SS	10 8.3.7.G	
Waste Related Service	Hazardous Waste Facility													PS	8.3.7.B	
	Sanitary Landfill													PS	8.3.6.B	
	Recycling Processing Facility													P		
	Land Clearing, Inert Debris Landfill	PS											PS	PS	8.3.7.C	
	Septic Tank Cleaning Service and Vehicle Storage Facility												P	P		
	Solid Waste Management Facility												P	P		
	Junkyard/Salvage Yard													SS	8.3.7.C	
Heavy Industrial	All heavy industrial, except as listed below												P	P		
	Abrasive Products Manufacturing													P		
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing													P		
	Chemical Manufacturing													P		
	Coal, Ore Supply with outdoor storage													S		
	Dry Cleaning/Laundry Plant											P	P	P		
	Food Manufacturing with Animal Slaughtering and Processing													S		

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Tobacco Manufacturing														P	
	Metal Plating														P	

ILLUSTRATION OF CHANGES (NOTE THAT A KEY TO PERMITTED USE CHART CHANGES IS PROVIDED IN EXECUTIVE SUMMARY DOCUMENT)

7.7.4 SITE ELEMENTS

G. Special Standards for Duplex Lots

Individual duplexes may be constructed only on lots having 1.5 times the minimum lot area and lot width of the zoning district in which they are located. All other setbacks shall be in accordance with Tables 7.6.2 A. and 7.6.2 B.

H. Special Standards for Single Family Residences in the O-I District

Single family residences shall be permissible only on existing lots of record existing as of August 14, 2014. Subdivision of O-I zoned land solely for the purpose of single family residential subdivisions shall not be permissible.

I. Special Standards for Single Family Attached Residences (Townhomes) in the O-I District

Single family attached residences (townhomes) shall be permissible only as incidental to an institutional use (such as a church or school).

7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS

TABLE 7.8.17.

Density	See Table 7.6.2 A. * No density limits shall apply in the Center City (CC district) Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits.
Lot Width and Depth	See Table 7.6.2 A. *
Front Setback or	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
Street Side Setback	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
Interior Side Setback	20 feet
Rear Setback	20 feet
Separation Between Buildings	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet

Common Open Space	See Table (10.5)  (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13)
Maximum Building Length	180 feet

Note: Multi-family or Single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A- except as specified above. Multi-family or single family attached developments in the O-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of floodplain and stream buffers).

### 8.3 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

#### 8.3.4 PUBLIC AND CIVIC USES

##### **I. Homeless Shelter/Soup Kitchen**

1. Homeless shelters/soup kitchens shall have a minimum lot area of one (2) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

#### 8.3.5 COMMERCIAL USES

##### **R. Event Center**

1. With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

##### **I. Automobile Repair (Major and Minor) /Tire Sales**

1. Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

#### 8.3.7 INDUSTRIAL USES

##### **F Product Distribution Center, Warehousing and Storage, Non-farm related products**

1. The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

## **G Truck Terminals and Support Facilities**

1. The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located. All loading areas shall be designed in such a manner as to not be visible from residential property. Overnight idling of trucks is prohibited and all repair operations shall be conducted inside an enclosed structure. Outside storage of spare or dismantled parts is prohibited. Outdoor storage of goods shall be completely screened from adjacent property and from the public right-of-way.

## ARTICLE 14 - DEFINITIONS

**HOMELESS SHELTER/SOUP KITCHEN:** A facility that provides for the needs of homeless people, including shelter, food, sanitation and various other forms of support.

~~**TRUCK AND MULTI-MODAL TERMINAL** – A facility for truck loading and unloading and cargo storage.~~

**TRUCK/FREIGHT TERMINAL:** a specialized building/complex used for redistributing goods from one truck to another, serving as an intermediate transfer point. Freight is brought in by truck and assembled/stored for routing in intrastate and interstate shipment by truck. This facility includes the parking of tractor and/or trailer units. These facilities are used for staging loads (rather than long-term storage) and possess little, if any long-term storage area. The terminal may also have repair/ maintenance areas and/or dormitory units for the overnight housing of drivers. A terminal is distinct from warehouse/distribution uses which are either origin or final destination points.

EXISTING PERMITTED USE CHART

8.1.1. Use Table

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
OPEN USES (See 8.2.2.)																
Agriculture [see Error! Reference source not found.]	Animal Production and Support Facilities	P	PS	PS												Error! Reference source not found.
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Crop Production Support Activities	P												P	P	
	Farm Product Sales, raw materials	P													P	
	Farm Supply Store, without outdoor storage	P											P	P	P	
	Farm Supply Store, with outdoor storage	P												PS	P	
	Forestry and Logging	S														
	Swine Farm	S														
	Warehousing and Storage, farm related products	P													P	
	Livestock Auction	PS													PS	8.3.2. B

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
Resource Extraction [see Error! Reference source not found.]	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C
	Borrow Pit	PS												PS	PS	
RESIDENTIAL USES (See 8.2.2. (b))																
Household Living [see Error! Reference source not found.]	Mixed use dwelling/live work unit/second floor dwelling with retail below								P	P	P	P	P			
	Single-Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	P							§7.7
	Single-Family Attached Dwelling						PS	PS	PS	PS	PS		PS			§7.7
	Multifamily Dwelling (Apartment)						SS	PS	PS	PS	PS	SS				§7.8
	Accessory Dwelling	PS	PS	SS	SS	SS	SS	SS								8.3.3.C

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
Group Living [see Error! Reference source not found.]	Congregate Care Senior Housing							P		P	P	P	P			
	Residential Care Facility	SS	SS	SS	SS	SS	SS		SS	SS	PS	PS	PS			8.3.3.D
	Family Care Home	PS	PS	PS	PS	PS	PS	PS	PS							8.3.3.E
	Social Service Institutions								SS	SS						8.3.4.F
<b>PUBLIC AND CIVIC USES</b>																
Community Service [see Error! Reference source not found.]	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P	P		8.3.4.H
	Convention Center									S	SS	P	P			8.3.4.G
Day Care [see Error! Reference source not found.]	Child Care Center, not including home day care	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.4.A
Educational Facilities [see Error! Reference source not found.]	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							P	S	S	S	S	S			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	School, Business								P	P	P	P	P	P			
	School, Trade								P	P	P	P	P	P	P	P	
	School, Elementary & Secondary	P	P	P	P	P	P		P	P	P	P	P				
Government Facilities [see Error! Reference source not found.]	Animal Shelter	SS											SS	PS	PS		Error! Reference source not found.
	Correctional Institution	S									S			S	S		
	Governmental Building (excluding correctional institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P	P		
Medical Facilities [see Error! Reference source not found.]	Hospital										P	P	P				
	Medical Clinic								P	P	P	P	P				

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
Parks and Open Areas [see Error! Reference source not found.]	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	PS	PS	PS	PS			PS							8.3.4.C
	Golf Course, public or private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														
	Park, Community	P	P	P	P	P	P	P	P	P	P	P	P			
	Park, District	P	P	P	P	P	P	P	P	P	P	P	P			
	Park, Regional	P	P	P	P	P	P	P	P	P	P	P	P			
Passenger Terminals [see Error! Reference source not found.]	Air Transportation and Support Facilities	S											P	P	P	
	Bus Charter Service, including passenger terminal												P	P		
	Limousine / Chauffeur Service/ Taxi Company/ Taxi Stand										SS	SS	PS			8.3.4.D
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
Places of Worship [see Error! Reference source not found.]	Religious Institution / House of Worship, more than 350 seats							SS	SS	PS	SS	SS	PS	P		8.3.4.E
	Religious Institution / House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P		8.3.4.E
Social Service Institutions	All Social Service Institutions except Group Living									SS	SS					8.3.4.F
Utilities [see Error! Reference source not found.]	All Utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
	Sewage Treatment Facility, Private as permitted by NC DENR	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P
	Water Treatment Facility	P												P		P
COMMERCIAL USES																

		AG	RESIDENTIAL					COMMERCIAL					IND			
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	All Indoor Recreation except as listed below										P	P	P			
Indoor Recreation [see 8.3.5.0]	Amusement Arcade, indoors only (less than 4 pool tables)												P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								PS	PS	SS	PS	P			
	Bowling Center												P			
	Firing & Archery Range, indoors												P	P		
	Go-Kart Track												P	PS		8.3.5.P
	Health Club, Fitness Center, Dance Studio								P	P	P	P	P	PS		8.3.5.P
	Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P
	Motion Picture Theater, indoor											P	P	P		
	Performing Arts Company,								P	P	P	P	P			

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Pool Hall, Billiard Parlor (4-16 pool tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II
	Sexually-Oriented Business												SS	SS	SS	8.3.5.B
	Skating Rink, indoor												P	S		
Office [see Error! Reference source not found.]	All Offices, except as listed below								P	P	P	P	P	P		
	Advertising & Related Services								P	P	P	P	P	P		
	Bail Bonding Office											P	P			
	Collections Agency								P	P	P	P	P			
	Counseling Office								P	P	P	P	P			
	Credit Bureau									P	P	P	P			
	Data Processing, News Service									P	P	P	P			
	Detective Agency								P	P	P	P	P			

		AG	RESIDENTIAL					COMMERCIAL					IND			
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service, and Contractor's Office Without Outdoor Storage									P		P	P	P		
	Engineering, Architect or Surveying Office								P	P	P	P	P			
	Financial Institution								P	P	P	P	P			
	Industrial Design Service									P	P	P	P	P		
	Insurance Agency								P	P	P	P	P			
	Legal Service								P	P	P	P	P			
	Motion Picture and Sound Recording Studio								P	P	P	P	P			
	Scientific Research & Development Service											S	P	P		
	Stock or Security Brokerage Firm								P	P	P	P	P			
	Telemarketing, Call Centers								P	P	P	P	P	P		

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Photography, Television, Radio and Film Studio								P	P	P	P	P	P		
	Bank Teller Machine, outdoor (principal or accessory use)							P	P	P	P	P	P	P	P	
Outdoor Recreation [see Error! Reference source not found.]	Amusement Park	P											P	P	P	
	Baseball Hitting Range												P			
	Country Club	P	P	P	P	P	P					P	P			
	Equestrian Boarding, Riding Arena, commercial	P														
	Golf Driving Range	P										P	P			
	Miniature Golf Course												P			
	Motion Picture Theater, drive-in	S											S	P		
	Racetrack and Spectator Sports, including racing test track														P	P

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Recreational Instruction and Camps, Indoor or Outdoor	P								P	P	P	P	P	P	
	Zoo, public or private	S												S	S	
Hotel, Motel, Inn, etc [seeError! Reference source not found.]	All overnight accommodations, except transient accommodations and as listed below		PS						P	P	P		P			
	Bed & Breakfast Inn	PS	PS	SS	SS	SS	SS		PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial [see Error! Reference source not found.]	Parking Lot , principal use										P	P	P	P		
	Parking Deck								PS		P	P	P			8.3.5.E

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
Restaurants [see 8.2.6.F]	All restaurants, except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Food Truck, Temporary										PS					8.3.5.Q
	Private Clubs										SS		SS			8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
	Restaurant, fast food, drive-thru, drive-in											P	P			
Alcoholic Beverage Production [see 8.2.6.J]	Brewpubs / Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery - Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Distillery													P	P	
Retail Sales and Service [see Error! Reference source not found.]	All retail sales and service, except as listed below									P	P	P	P			
	ABC Store											P	P			

		AG	RESIDENTIAL						COMMERCIAL					IND			
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards	
	Animal Clinic / Hospital	PS										PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment, no overnight boarding										P	P	P	P	P		
	Animal Kennel	PS												PS	PS	PS	8.3.4.B
	Animal Obedience School	SS												PS	PS	PS	8.3.4.B
	Animal and/or Feed Supply Store												PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair											P	P	P	P		
	Auction Sales Establishment													P			
	Blueprinting and Drafting Service								P	P	P	P	P	P	P		
	Building Material Supply, no outdoor storage												P	P	P		
	Building Material Supply, with outdoor storage													PS	P	P	8.3.5.G
	Cemetery Monument Dealer													P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store										SS	PS	PS			8.3.5.H
	Delivery / Courier Service, local, (no commercial vehicles)									P	P	P	P	P		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P		
	Electronics Sales and Repair										P	P	P	P		
	Farmer's Market / Produce Stand	P								P	P	P	P			8.3.5.I
	Flea Market												P	P	P	
	Floor Covering Store										P	P	P			
	Food Store, (excl. convenience store)										P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Laundromat										S	S	P			
	Lawn and Garden Supply, Nursery with outdoor storage	SS											P	P		8.3.5.J
	Lawn and Garden Supply without outdoor storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photo Finishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Center, less than 25,000 sq. ft.									P	P	P	P			§ 7.10
	Shopping Center, 25-100,000 sq. ft.												P			§ 7.10
	Shopping Center, over 100,000 sq. ft.												P			§ 7.10
	Sign or Banner Shop, with outdoor storage													P	P	
	Sign or Banner Shop, without outdoor storage										P	P	P	P		

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing												PS			
	Taxidermist												P	P		
	Weight Loss Centers, non-medical											P	P	P		
Self-Service Storage [see Error! Reference source not found.]	Self-Service Storage, including mini-warehouses												SS	PS	PS	8.3.6.E
Vehicle Sales and Service [see 8.2.6.1]	Vehicle Storage Lot													PS	PS	8.3.6.H
	Automobile Parts, Tires and Accessories Store									P		P	P	P		
	Automobile Parts, used or salvaged parts, <u>no</u> outdoor storage												P	P	P	
	Automobile Repair, major												PS	PS	PS	8.3.6.H
	Automobile Repair, minor											PS	PS	PS	PS	8.3.6.D
	Automobile Towing and Wrecker Service													PS	PS	8.3.6.H

		AG	RESIDENTIAL						COMMERCIAL					IND		
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Automobile Wash (car wash), including detailing service											P	P	P		
	Manufactured Home Sales												PS	PS		8.3.6.F
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings											PS	PS	PS		8.3.6.G
	Truck Stop, Travel Plaza												P	P		
<b>INDUSTRIAL USES</b>																
Light Industrial Service [see Error! Reference source not found.]	Truck/Construction Equipment Rental													S	P	
	Flex /office space												P	P	SS	
	All light industrial service, except as listed below													P	P	
	Cabinet and Woodwork Shop												P	P	P	
	Equipment Supply House, commercial												P	P	P	
	Food Catering Facility										PS	PS	PS	PS	PS	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	LP Gas & Heating Oil Dealer												P	P	P	
	Machine shop												P	P	P	
	Musical Instrument Manufacturing												P	P	P	
	Pest Control Service											P	P	P		
	Portable Toilet Service														P	
	Small Engine Repair												P	P	P	
	Tire Recap and Repair Facility															S
	Upholstery Shop												P	P	P	
Warehouse and Freight Movement [see 8.2.6.C.]	Electronic Shopping, Mail-Order House													P	P	
	Moving and Storage Facility													P	P	
	Product Distribution Center													P	P	
	Rail Transportation and Support Facilities															S

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
	Truck Terminal and Support Facilities														P		
	Warehousing and Storage, non-farm related products												P	P	P		
Waste-Related Service  [see Error! Reference source not found.]	Hazardous Waste Facility														PS	8.3.7.B	
	Sanitary Landfill														PS	8.3.6.B	
	Recycling Processing Facility														P		
	Land Clearing Inert Debris Landfill	PS													PS	PS	8.3.7.C
	Septic Tank Cleaning Service and Vehicle Storage Facility														P	P	
	Solid Waste Management Facility													P	P	P	
	Junkyard / Salvage Yard															SS	8.3.7.C
[see Error! Reference source not found.]  Heavy	All heavy industrial, except as listed below														P	P	
	Abrasive Products Manufacturing															P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
Industrial	Cement, Concrete, Clay and Brick Product Manufacturing															P	
	Chemical Manufacturing															P	
	Coal, Ore Supply, with outdoor storage															S	
	Dry Cleaning, Laundry Plant												P	P	P		
	Food Manufacturing, with animal slaughtering and processing															S	
	Textile Dye Mixing														S	P	
	Livestock Auction	P														P	
	Petroleum, Asphalt & Coal Manufacturing															S	
	Primary Metal Processing and Manufacturing															S	
	Stone Product Manufacturing (excluding quarrying)															P	
Tobacco Manufacturing															P		

		AG	RESIDENTIAL					COMMERCIAL					IND			
USE CATEGORY	SPECIFIC USE	AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	Standards
	Metal Plating														P	

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE CITY OF CONCORD, NORTH CAROLINA**

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §§160A-364 through §§160A-366 and 160A-381 through 160A-392 may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

**SECTION 1:** That the following section of Concord Development Ordinance (CDO) Article 8 “Use Regulations,” Section 8.1 “Use Table”, Table 8.1.8 “Use Table” be deleted in its entirety.

**SECTION 2:** That Article 8 “Use Regulations,” Section 8.1 “Use Table”, Table 8.1.8 “Use Table” be amended to the following:

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2		
OPEN USES																	
Agriculture	Animal Production and Support Facilities	P	PS	PS													8.3.2.A
	Crop Production	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Crop Production Support Activities	P												P	P		
	Farm Product Sales, Raw Materials	P													P		
	Farm Supply Store without outdoor storage	P											P	P	P		
	Farm Supply Store with outdoor storage	P											PS	PS	P		
	Sawmill/lumber processing	S															
	Swine Farm	S															
	Warehousing and Storage, farm related products	P														P	
	Livestock Auction	PS														PS	8.3.2.B
Resource Extraction	All Resource Extraction (except borrow pit)	SS													SS	8.3.2.C	
	Borrow Pit	PS												PS	PS		
RESIDENTIAL USES (See 8.2.2(b))																	
Household Living	Mixed Use Dwelling/Live-Work Unit								P	P	P	P	P				
	Single Family Detached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7
	Single Family Attached Dwelling, Single-Family Modular Home	P	P	P	P	P	P	P	PS								7.7

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Multifamily Dwelling/Apartment Duplex/Triplex						SS		PS	PS	PS	PS	SS			7.8
	Accessory Dwelling	PS	PS	PS	PS	PS	PS	PS								8.3.3
	Group Living							PS	PS	PS	PS	PS	PS			8.3.3.D
	Congregate Care Senior Housing	SS	SS	SS	SS	SS	SS		SS	SS	PS	PS	PS			
	Group Home	PS	PS	PS	PS	PS	PS	PS	PS							8.3.3.E
	Family Care Home								SS	SS						8.3.4.I
	Homeless Shelter/Soup Kitchen								SS	SS						
	Social Service Institution								SS	SS			PS			8.3.4.F
PUBLIC AND CIVIC USES																
Community Service	Civic, Social and Fraternal Organization								P	P	P	P	P			
	Library, Public								P	P	P	P	P			
	Museum or Non-Profit Foundation	PS	PS	PS	PS	PS	PS	PS	PS	P	P	P	P			
	Convention Center									S	SS	P	P			
Day Care	Child Care Center (not including home day care)	SS	SS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.4
Educational Facilities	All Educational Facilities, except as listed below								P	P	P	P	P			
	School, Boarding							PS	S	S	S	S	S			
	School, Business							P	P	P	P	P	P	P		
	School, Trade															
	School, Elementary and Secondary	P	P	P	P	P	P	P	P	P	P	P	P			
Government Facilities	Animal Shelter	SS											SS	PS	PS	8.3.2.B
	Correctional Institution	S									S					
	Governmental Building (excluding Correctional Institution)	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
	Post Office								P	P	P	P	P	P	P	
	Visitor Bureau								P	P	P	P	P	P		
Medical Facilities	Medical Clinic/Urgent Clear								P	P	P	P	P			
Parks and Open Areas	All Parks and Open Areas, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Cemetery	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	8.3.4.C
	Golf Course, Public or Private	P	P	P	P	P	P					P	P			
	Hunting, Fishing, Game Preserve	S														
Passenger Terminals	Air transportation and related support facilities	S											P	P	P	
	Bus Charter Service, including passenger terminal													P	P	
	Limousine/Chauffeur Service/Taxi Company/Taxi Stand										SS	SS	PS			
	Public Transportation System	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Places of Worship	Religious Institution/House of Worship, more than 350 seats	SS	SS	SS	SS	SS	SS	SS	PS	SS	SS	PS	P			8.3.4.E
	Religious Institution/House of Worship, up to 350 seats	SS	SS	SS	SS	SS	SS	SS	P	P	P	P	P			8.3.4.E
Utilities	All utilities, except as listed below	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Electric Generating Facility	S												S	P	

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Natural Gas Distribution Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Pipeline, Petroleum and Natural or Manufactured Gases	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Sewage Treatment Facility, Private as permitted by NCDENR	S	S	S	S	S	S	S	S	S	S	S	S	P	P	
	Water Treatment Facility	P											P		P	
	Solar Farm	SS														
<b>COMMERCIAL USES</b>																
Indoor Recreation (see 8.3.5.O)	All Indoor Recreation except as listed below										P	P	P			
	Amusement Arcade, indoors only (less than 4 pool tables)										P	P	P			
	Auditorium or Assembly Hall, up to 350 seats								P	P	P	P	P			
	Auditorium or Assembly Hall, more than 350 seats								PS	PS	SS	PS	P			
	Bowling Center										P	P	P			
	Firing & Archery Range, Indoors												P	P		
	Go-Kart Track												P	PS		8.3.5.P
	Health Club, Fitness Center, Dance Studio, Martial Arts Studio								P	P	P	P	P	PS		8.3.5.P
	Motion Picture Theater, Indoor										P	P	P			
	Performing Arts Company								P	P	P	P	P			
	Pool Hall, Billiard Parlor (4-16 Pool Tables)										PS		PS			8.3.5.A & City Code Chapter 6, Article II
	Sexually Oriented Business												PS	PS	PS	8.3.5.B
	Skating Rink, Indoor											P	P	S		
Office	All Offices, except as listed below								P	P	P	P	P	P		
	Advertising & Related Services								P	P	P	P	P	P	P	
	Bail Bonding Office											P	P			
	Collections Agency								P	P	P	P	P			
	Credit Bureau									P	P	P	P			
	Data Processing, News Service									P	P	P	P			
	Detective Agency								P	P	P	P	P			
	Electric, Heating, Air Conditioning, Ventilating, Plumbing Sales, Service and Contractor's Office Without Outdoor Storage								P	P	P	P	P	P		
	Engineering, Architect, or Surveyor's Office								P	P	P	P	P	P		
	Financial Institution								P	P	P	P	P			
	Industrial Design Service								P	P	P	P	P	P		
	Insurance Agency								P	P	P	P	P			
	Legal Service								P	P	P	P	P			
Motion Picture and Sound Recording Studio, Photography, Television, Radio and Film Studio								P	P	P	P	P	P			

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-1	B-1	CC	C-1	C-2	I-1	I-2	
	Scientific Research & Development Service								P	P	P	S	P	P		
	Stock or Security Brokerage Firm								P	P	P	P	P			
	Telemarketing, Call Centers								P	P	P	P	P	P		
	Bank Teller Machine outdoor (Principal or Accessory Use)							P	P	P	P	P	P	P	P	
Outdoor Recreation	Amusement Park	P											P	P	P	
	Baseball Hitting Range, Golf Driving Range											P	P			
	Country Club	P	P	P	P	P	P	P				P	P			
	Equestrian Boarding Riding Arena, Commercial	P	P													
	Miniature Golf Course										P	P	P			
	Motion Picture Theater, drive-in	S											S	P		
	Racetrack and Spectator Sports, including racing test track														P	P
	Recreational Instruction and Camps, Indoor or Outdoor	P							P	P	P	P	P	P	P	P
Hotel, Motel, Inn	All overnight accommodations except as listed below								P	P	P	P	P			
	Bed and Breakfast Inn	PS	PS	SS	SS	SS	SS	SS	PS	PS	PS	PS	PS			8.3.5.C
	Campground	PS														8.3.5.D
Parking, Commercial	Parking lot or deck, principal use						PS	PS	PS	PS	P	P	P	P		8.3.5.E
Restaurants (see 8.2.6.F)	All restaurants except as listed below								P	P	P	P	P			
	Banquet Home	SS	SS	SS	SS	SS										8.3.5.N
	Private Club										SS		SS			8.3.5.F
	Restaurant, carryout, delivery, no seating									P	P	P	P			
Alcoholic Beverage Production (see 8.2.6.J)	Restaurant, drive-thru or drive-in											P	P			
	Brewpubs/Brewery-Micro										PS	PS	PS	PS	PS	8.3.5.O
	Brewery- Large													P	P	
	Winery/Cidery													P	P	8.3.5.O
	Winery/Cidery-Micro										PS	PS	PS	PS	PS	8.3.5.O
Retail Sales and Services	Distillery													P	P	
	All retail sales and service except as listed below									P	P	P	P			
	ABC Store											P	P			
	Animal Clinic/Hospital/ Kennel	PS									PS	PS	PS	PS	PS	8.3.4.B
	Animal Grooming Establishment - no overnight boarding									P	P	P	P	P		
	Animal Obedience School	SS											PS	PS	PS	8.3.4.B
	Animal and/or Feed Supply Store	P										PS	PS			8.3.5.J
	Appliance Sales, Rental and Repair										P	P	P	P		
	Auction Sales Establishment												P			
Blueprinting and Drafting Service								P	P	P	P	P				

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Building Material Supply no outdoor storage											P	P	P		
	Building Material Supply with outdoor storage												PS	P	P	8.3.5.G
	Cemetery Monument Dealer												P	P		
	Check Cashing Establishment												P			
	Cleaning and Maintenance Service									P	P	P	P	P		
	Convenience Store									PS	SS	PS	PS			8.3.5.H
	Delivery/Courier Service, local (no commercial vehicles)									P	P	P	P	P		
	Dry Cleaning Drop Off/Pick Up									P	P	P	P	P		
	Electronics Sales and Repair										P	P	P	P		
	Event Center										PS	PS	PS			8.3.5.R
	Farmer's Market/Produce Stand	P								P	P	P	P			8.3.5.I
	Flea Market	P											P	P	P	
	Floor Covering Store										P	P	P			
	Grocery/Food Store									P	P	P	P			
	Fortuneteller, Divination, Palmistry												S			
	Funeral Home								P	P		P	P	P		
	Internet/Electronic Gaming									PS		PS	PS			8.3.5.L
	Laundromat (self service)									P	S	P	P			
	Lawn and Garden Supply, Nursery with Outdoor Storage	P											P	P		8.3.5.J
	Lawn and Garden Supply without Outdoor Storage										P	P	P	P		
	Massage Therapist								P	P	P	P	P	P		
	Pawnshop										S	S	P			
	Photofinishing Laboratory												P	P	P	
	Printing and Related Support Activities												P	P	P	
	Shopping Centers, less than 25,000 sq. ft.									P	P	P	P			
	Shopping Centers, greater than 25,000 sq. ft.												P			
	Sign or Banner Shop with outdoor storage													P	P	
	Sign or Banner shop without outdoor storage										P	P	P	P		
	Swimming Pool, Hot Tub Sales and Service												P	P		
	Tattoo Parlor, Body Piercing												PS			
	Taxidermist												P			
	Weight Loss Centers								P	P	P	P	P			
Self Service Storage	Self-service storage, including mini-warehouses													PS	PS	8.3.6.E

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards	
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2		
Vehicle Sales and Service	Automobile Towing and Wrecker Service, Vehicle Storage Lot													PS	PS	8.3.6.H	
	Automobile Parts, Tires and Accessories Store									PS		PS	PS	PS		8.3.6.I	
	Automobile Repair, Major												PS	PS		8.3.6.H 8.3.6.I	
	Automobile Repair, Minor										PS	PS	PS	PS	PS	8.3.6.D 8.3.6.I	
	Automobile Wash (carwash) including detailing service												P	P	P		
	Manufactured Home Sales												PS	PS		8.3.6.F	
	Vehicle Sales, Lease, Rental, including boat, RV and storage buildings												PS	PS	PS		8.3.6.G
	Truck Stop, Travel Plaza													P	P		
<b>INDUSTRIAL USES</b>																	
Light Industrial Service	Truck/Construction Equipment Rental													PS	P		
	Flex/Office Space												P	P	SS		
	All light industrial service, except as listed below												P	P			
	Cabinet and Woodwork Shop											P	P	P			
	Equipment Supply House, commercial												P	P	P		
	Food Catering Facility									PS	PS	PS	PS	PS		8.3.7.A	
	LP Gas & Heating Oil Dealer												P	P	P		
	Machine Shop												P	P	P		
	Musical Instrument Manufacturing												P	P	P		
	Pest Control Service												P	P	P		
	Portable Toilet Service														P		
	Small Engine Repair												P	P	P		
	Tire Recap and Repair Facility														P		
	Upholstery Shop												P	P	P		
	Shipping Container Development									PS	PS	PS	PS	PS	PS	PS	
Warehouse and Freight Movement	Electronic Shopping, Mail Order House													P	P		
	Moving and Storage Facility													P	P		
	Product Distribution Center													SS		8.3.7.F	
	Rail Transportation and Support Facilities													P			
	Warehousing and Storage, Non-farm related products													SS		8.3.7.F	
	Truck Terminal and Support Facilities														SS	8.3.7.G	
Waste Related Service	Hazardous Waste Facility														PS	8.3.7.B	
	Sanitary Landfill														PS	8.3.6.B	
	Recycling Processing Facility														P		
	Land Clearing, Inert Debris Landfill	PS												PS	PS	8.3.7.C	
	Septic Tank Cleaning Service and Vehicle Storage Facility													P	P		
	Solid Waste Management Facility												P	P	P		

USE CATEGORY	SPECIFIC USE	AG	RESIDENTIAL						COMMERCIAL					IND		Standards
		AG	RE	RL	RM-1	RM-2	RV	RC	O-I	B-1	CC	C-1	C-2	I-1	I-2	
	Junkyard/Salvage Yard														SS	8.3.7.C
Heavy Industrial	All heavy industrial, except as listed below													P	P	
	Abrasive Products Manufacturing														P	
	Cement, Concrete, Clary, Brick and Stone Product Manufacturing														P	
	Chemical Manufacturing														P	
	Coal, Ore Supply with outdoor storage														S	
	Dry Cleaning/Laundry Plant												P	P	P	
	Food Manufacturing with Animal Slaughtering and Processing														S	
	Tobacco Manufacturing														P	
	Metal Plating														P	

**SECTION 3:** That Article 7 “Base Zoning Districts,” Section 7.7 “Single Family Site Design Standards”, Section 7.7.4 “Site Elements” be amended to the following:

**I. Special Standards for Single Family Attached Residences (Townhomes) in the O-I District**

Single family attached residences (townhomes) shall be permissible only as incidental to an institutional use (such as a church or school).

**SECTION 4:** That Article 7 “Base Zoning Districts,” Section 7.8 “Standards for Multi-family Developments”, Table 7.8.17 be amended to the following:

**7.8.17. MULTI-FAMILY DIMENSIONAL STANDARDS**

*TABLE 7.8.17.*

<b>Density</b>	See Table 7.6.2 A. * No density limits apply in the Center City (CC) district Multi-family units on the upper floors of commercial structures in B-1, C-1 and C-2 shall not be subject to density limits
<b>Lot Width and Depth</b>	See Table 7.6.2 A. *
<b>Front Setback or</b>	Developments of less than 40 dwelling units: see Table 7.6.2 B. *
<b>Street Side Setback</b>	Developments of 40 or more dwelling units: 50 feet, except that the minimum front setback may be reduced to 20 feet if all required off-street parking is located at the rear of the building(s).
<b>Interior Side Setback</b>	20 feet
<b>Rear Setback</b>	20 feet
<b>Separation Between Buildings</b>	20 feet, plus one (1) foot for each one (1) foot of building height in excess of 30 feet

<b>Common Open Space</b>	See Table (10.5) (Note: multi-family developments allowed in non-residential districts shall comply with the open space standards for residential districts in Table (10.5.13))
<b>Maximum Building Length</b>	180 feet

Note: Multi-family or Single-family attached developments that are allowed (by right or as conditional use) in non-residential districts shall use the dimensional and density standards of Table 7.6.2 A except as specified above. Multi-family or single family attached developments in the O-I district shall only be permissible as incidental to an institutional use (such as a church or school). In the B-1, C-1 and C-2 zoning districts, multi-family development shall only be permissible on thirty percent (30%) of the total land area of the parcel (exclusive of floodplain and stream buffers)

**SECTION 5:** That Article 8 “Use Regulations,” Section 8.3“Supplemental Regulations for Certain Uses”, Section 8.3.4 “Public and Civic Uses” be amended to add the following:

**8.3.4.I Homeless Shelter/Soup Kitchen**

Homeless shelters/soup kitchens shall have a minimum lot area of one (2) acre. New homeless shelters/soup kitchens shall be separated from existing homeless shelters/soup kitchens by at least 800 feet measured from property line to property line.

**SECTION 6:** That Article 8 “Use Regulations,” Section 8.3“Supplemental Regulations for Certain Uses”, Section 8.3.5 “Commercial Uses” be amended to add the following:

**8.3.5.R Event Center**

With the exception of the CC zoning district, an event center may be established only as an accessory use to another principal commercial use. All related activities shall be conducted within a totally enclosed structure.

**8.3.6.I Automobile Repair (Major and Minor) /Tire Sales**

Enclosed structures and/or bay doors shall be provided and repairs/tire installation shall take place within the building.

**SECTION 7:** That Article 8 “Use Regulations,” Section 8.3“Supplemental Regulations for Certain Uses”, Section 8.3.7 “Industrial Uses” be amended to add the following:

**8.3.7.F Product Distribution Center, Warehousing and Storage, Non-farm related products**

The facility shall be located on an arterial or thoroughfare. The use may be considered within an industrial park if the street accesses an arterial or thoroughfare and the street is constructed to accommodate projected truck traffic, and the street does not serve passenger vehicle traffic other than employees or customers of the development in which the proposed facility is located.

**SECTION 7:** That this Ordinance be effective immediately upon adoption.

Adopted in this July 11<sup>th</sup>, 2019.

CITY COUNCIL  
CITY OF CONCORD

ATTEST:

\_\_\_\_\_  
William C. Dusch, Mayor

\_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City Attorney

**DATE:** November 19, 2019

**CASE:** **LUP-01-19**  
Land Use Plan Amendments (Table 5-3 “Future Land Use Categories”)

**PREPARED BY:** Starla Rogers, Planning & Development Manager

**SUMMARY**

The 2030 Land Use Plan was adopted in 2017. In the year and a half since adoption, City Staff has encountered scenarios where the Land Use Plan needs minor corrections, specifically, Chapter 5 “Land Use,” as it relates to Table 5-3 “Future Land Use Categories” and the applicable zoning districts to the Land Use categories. Staff requests that Table 5-3 be amended to add and delete zoning classifications from several Land Use Categories to be in conformance with the overall intent of the Land Use Plan and to accommodate accurate and City zoning districts. Amending the Land Use Plan will decrease the number of rezonings that must go before City Council for a Land Use Plan amendment and will also eliminate zoning districts and uses within incompatible areas such as the Industrial/Employment Land Use Category.

**Summary**

The Land Use categories of Rural, Suburban Neighborhood, Urban Neighborhood, and Village Center are amended to include zoning classifications that were inadvertently left out of the table as corresponding and appropriate.

The Land Use Categories of Village Center, Mixed-Use Activity Center, and Commercial are amended to remove TOD (Transit Oriented District) as the City does not currently have a TOD zoning classification.

The Commercial Land Use Category is amended to remove RC (Residential Compact) as a corresponding zoning classification to eliminate the potential of commercial property being monopolized by residential development.

The Industrial/Employment Land Use Category is amended to remove B-1 (Neighborhood Business) and O-I (Office Institutional). Both zoning districts offer low intensity uses and do not protect valuable industrial and employment producing land, contrary to the Land Use Plan Guidance.

Finally, the reference to density has been removed as it is an unnecessary and incorrect statement related to how zoning and allowable density are determined.

Table 5-3: Future Land Use Categories

Future Land Use Category	Associated Place Types	Characteristics/Guidance	Density/Intensity	Applicable Zoning Districts
<b>Open Space (OS)</b>	<ul style="list-style-type: none"> <li>Recreational Open Space</li> <li>Preserved Open Space</li> </ul>	<ul style="list-style-type: none"> <li>Open Space designation should be utilized to designate land provided as part of a required development set-aside.</li> <li>Recreational Open Space should allow for public access and includes public parks.</li> </ul>	<ul style="list-style-type: none"> <li>There are no specific density/intensity ranges associated with Open Space.</li> </ul>	AG
<b>Rural (R)*</b>	<ul style="list-style-type: none"> <li>Working Farms</li> <li>Rural Living</li> <li>Conservation-Based Subdivisions</li> <li>Open Space</li> </ul>	<ul style="list-style-type: none"> <li>The Rural designation should be utilized to designate areas that are appropriate for agricultural activities and low density residential development.</li> <li>Where development is allowed, it should be designed to minimize environmental impact through green building practices including conservation-based design.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Uses - 0.33 du/acre (1 unit/3 acres)</li> <li>Non-Residential Uses - 0.10 FAR</li> </ul>	AG, RE, PRD, C-1, PUD, B-1 <b><u>RL, O-I, R-CO</u></b>
<b>Suburban Neighborhoods (SN)*</b>	<ul style="list-style-type: none"> <li>Large-Lot Residential</li> <li>Small-Lot Residential</li> <li>Civic and Institutional</li> <li>Open Space</li> <li>Manufactured Home Communities</li> </ul>	<ul style="list-style-type: none"> <li>Internal/external pedestrian connectivity are important in Suburban Neighborhoods.</li> <li>Houses are typically oriented internally to the neighborhood and are often buffered from surrounding development.</li> <li>Uses tend to be more auto-oriented, though bicycle/pedestrian connectivity between neighborhoods and to nearby neighborhood commercial areas are important.</li> <li>C-1 is acceptable if it has frontage on a major or minor thoroughfare or is part of an expansion to an existing C-1 area, which is located adjacent to an existing major or minor thoroughfare, but does not expand said district by greater than 50%. None of the traffic from the C-1 area to the arterial street will utilize a street which contains single-family detached homes.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Uses – <del>6 du/acre</del> <b><u>8 du/acre</u></b></li> <li>Non-Residential Uses – 0.25 FAR</li> </ul>	RE, RM-1, RM-2, PRD, C-1, PUD, RV, TND <b><u>B-1, RL, O-I, R-CO</u></b>

**Note:** \* ~~Greater density/intensity may be authorized through regulatory incentives.~~ Maximum density/intensity may be limited by site constraints or zoning applied to specific parcels.

**Table 5-3: Future Land Use Categories**

Future Land Use Category	Associated Place Types	Characteristics/Guidance	Density/Intensity	Applicable Zoning Districts
<b>Urban Neighborhoods (UN)*</b>	<ul style="list-style-type: none"> <li>• Townhomes/ Small Condo</li> <li>• Mixed-Density Residential</li> <li>• Mixed-Use Neighborhood</li> <li>• Multi-Family Residential</li> <li>• Urban Neighborhood</li> <li>• Civic and Institutional</li> <li>• Open Space</li> </ul>	<ul style="list-style-type: none"> <li>• Internal/external pedestrian connectivity are important in Urban Neighborhoods.</li> <li>• Architecture and building scale/ massing should fit within the surrounding context. This is particularly important for infill sites.</li> <li>• Mixed uses (horizontal or vertical) should be allowed and encouraged in appropriate locations.</li> <li>• Neighborhood Commercial is acceptable. Same standards as Suburban Neighborhoods.</li> </ul>	<ul style="list-style-type: none"> <li>• Residential Uses – 20 du/acre</li> <li>• Non-Residential Uses – 1.0 FAR</li> </ul>	RM-1, RM-2, RV, RC, PRD, C-1, PUD, TND <u><b>O-I, R-CO</b></u>
<b>Village Centers (VC)*</b>	<ul style="list-style-type: none"> <li>• Neighborhood Commercial Center</li> <li>• Mixed-Use Neighborhood</li> <li>• Mixed-Use Activity Center</li> <li>• Civic and Institutional</li> <li>• Open Space</li> </ul>	<ul style="list-style-type: none"> <li>• Require adequate infrastructure and a surrounding population that can support the businesses located there.</li> <li>• Small scale, neighborhood commercial/office centers providing good and services to the surrounding Neighborhoods.</li> <li>• Focus on connectivity bicycle/ pedestrian connectivity both within the VC and to the surrounding neighborhoods.</li> <li>• Due to the proximity of the VC to adjacent residential neighborhoods, land use transitions must be designed effectively to ensure compatibility and minimize impacts.</li> <li>• Higher density and intensity uses should be located along major thoroughfares.</li> </ul>	<ul style="list-style-type: none"> <li>• Residential Uses – 20 du/acre</li> <li>• Non-Residential Uses – 1.0 FAR</li> </ul>	RV, O-I, TND, MX-NC, MX-CC1, PRD, C-1, C-2, PUD, <del>TOD</del> <u><b>RC, R-CO</b></u>

**Note:** \* ~~Greater density/intensity may be authorized through regulatory incentives.~~ Maximum density/intensity may be limited by site constraints or zoning applied to specific parcels.

Table 5-3: Future Land Use Categories

Future Land Use Category	Associated Place Types	Characteristics/Guidance	Density/Intensity	Applicable Zoning Districts
<b>Mixed-Use Activity Centers (MUAC)*</b>	<ul style="list-style-type: none"> <li>Suburban Commercial Center</li> <li>Highway Commercial</li> <li>Suburban Office Center</li> <li>Mixed-Use Neighborhood</li> <li>Mixed-Use Activity Center</li> <li>Transit-Oriented Development</li> <li>Town Center</li> <li>Urban Neighborhood</li> <li>Civic and Institutional</li> <li>University Campus</li> <li>Health Care Campus</li> <li>Open Space</li> </ul>	<ul style="list-style-type: none"> <li>The Small Area Plans have been adopted for a number of the designated MUAC areas. Small Area Plans are more focused and specific than the overall Land Use Plan.</li> <li>The City should encourage the development of small area plans for MUAC areas to provide clear guidance for decision makers when reviewing development proposals located in these areas.</li> <li>Whenever possible, it is recommended that developers utilize one of the mixed use zoning districts when developing in an area designated MUAC.</li> <li>The interconnectivity of the public realm (streets, walk/bike infrastructure) is an essential element of MUAC areas.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Uses – 30 du/acre</li> <li>Non-Residential Uses – 2.0 FAR</li> </ul>	RV, RC, O-I, CC, TND, MX-NC, MX-CC1, MX-CC2, MX-1B, PRD, C-1, C-2, PUD, <del>TOD</del> , I-1
<b>Commercial (C)*</b>	<ul style="list-style-type: none"> <li>Neighborhood Commercial Center</li> <li>Suburban Commercial Center</li> <li>Highway Commercial</li> <li>Suburban Office Center</li> <li>Mixed-Use Activity Center</li> <li>Transit Oriented Development</li> <li>Civic and Institutional</li> <li>Regional Employment Center</li> <li>Multi-Family Residential</li> <li>Open Space</li> </ul>	<ul style="list-style-type: none"> <li>Additional lands designated Commercial should be limited.</li> <li>The Transit Oriented Development Place Type should only occur in proximity to the location of a fixed-guideway transit system (whether BRT, LRT, or CRT).</li> <li>Design standards should be developed to improve pedestrian connectivity and transit access.</li> </ul>	<ul style="list-style-type: none"> <li>Residential Uses – 30 du/acre</li> <li>Non-Residential Uses – 2.0 FAR</li> </ul>	<del>RC</del> , B-1, O-I, C-1, C-2, MX-NC, MX-CC1, MX-CC2, MX-1B, PUD, <del>TOD</del>

**Note:** \* ~~Greater density/intensity may be authorized through regulatory incentives.~~ Maximum density/intensity may be limited by site constraints or zoning applied to specific parcels.

**Table 5-3: Future Land Use Categories**

Future Land Use Category	Associated Place Types	Characteristics/Guidance	Density/Intensity	Applicable Zoning Districts
<b>Industrial/Employment (IE)*</b>	<ul style="list-style-type: none"> <li>• Suburban Office Centers</li> <li>• Light Industrial Center</li> <li>• Heavy Industrial Center</li> <li>• Airport</li> <li>• Civic and Institutional</li> <li>• Regional Employment Center</li> <li>• Open Space</li> </ul>	<ul style="list-style-type: none"> <li>• Pedestrian facilities should be encouraged within IE areas to allow for alternative transportation modes.</li> <li>• Efforts should be made to incorporate transit infrastructure into areas designated IE to encourage use of alternative modes home-work trips.</li> </ul>	<ul style="list-style-type: none"> <li>• Non Residential Uses – 2.0 FAR</li> </ul>	<p><del>B-1, O-1, C-2,</del> PID, MX-1B, I-1, I-2</p> <p>No new PIDs will be considered</p>
<b>Amusements Motor Sports (AMS)</b>	<ul style="list-style-type: none"> <li>• Special Areas</li> </ul>	<ul style="list-style-type: none"> <li>• Efforts should be made to improve multimodal connectivity within areas designated Amusements/Motor Sports.</li> <li>• Transit circulator service should be encouraged to service hotels to nearby attractions.</li> </ul>	<ul style="list-style-type: none"> <li>• Specific Densities/ Intensities will be defined by underlying zoning.</li> </ul>	<p>PID, PUD, MX-CC2, C-2, MX-IB, I-1, I-2</p> <p>No new PIDs will be considered</p>
<b>Civic/Institutional (CI)</b>	<ul style="list-style-type: none"> <li>• Civic and Institutional</li> <li>• Industrial Center</li> <li>• Heavy Industrial Center</li> <li>• Open Space—Recreational</li> </ul>	<ul style="list-style-type: none"> <li>• Includes schools, libraries, religious institutions, and other governmental buildings and facilities.</li> <li>• Industrial Place Types specifically related to existing solid waste/utility facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• Specific Densities/ Intensities will be defined by underlying zoning.</li> </ul>	<p>AG, RE, RI, RM-1, RM-2, RV, RC, O-1, B-1, CC, C-2, I-1, I-2</p>

**Note:** \* ~~Greater density/intensity may be authorized through regulatory incentives.~~ Maximum density/intensity may be limited by site constraints or zoning applied to specific parcels.

AN ORDINANCE AMENDING THE 2030 LAND USE PLAN  
OF THE CITY OF CONCORD, NORTH CAROLINA

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by the North Carolina General Statute §160A-364 enacted an Official Zoning Ordinance for the City of Concord, North Carolina and the Area of Extraterritorial Jurisdiction on July 28, 1977; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute §160A-364 through §§160A-366 and 160A-381 through 160A-392 may from time to time as necessary amend, supplement, change, modify or repeal certain of its zoning regulations and restrictions and zone boundaries; and

WHEREAS, the City of Concord, North Carolina pursuant to the authority conferred by North Carolina General Statute 160A-381 through 160A-394 does hereby recognize a need to amend the text of certain articles of the City of Concord zoning Ordinance.

WHEREAS, the City of Concord, North Carolina Pursuant to the authority conferred by North Carolina General Statutes §160A-383 must ensure prior to adopting or rejecting any zoning amendment that zoning regulations are made in accordance with the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina:

**SECTION 1:** That the 2030 Land Use Plan “Table 5-3: Future Land Use Categories” be repealed in its entirety and replaced with the attached document.

**SECTION 2:** That this Ordinance be effective immediately upon adoption.

Adopted in this December 12<sup>th</sup>, 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

ATTEST:

\_\_\_\_\_  
William C. Dusch, Mayor

\_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City Attorney



**Planning &  
Neighborhood Development**  
35 Cabarrus Avenue, West  
PO Box 308 Concord, NC 28026  
Phone: 704-920-5146  
Email: [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov)

**Petition for Annexation into the Concord City Limits**

<b>Section A</b> Submittal Checklist	
<p><b>Please include all of the following (check off).</b> If any information is missing from the application package, you will be asked to resubmit the petition with all required materials. Please carefully check the list below before you submit:</p>	
<p><b>Required – An incomplete application will delay the annexation process.</b></p>	
✓	<p><b>Written metes and bounds description of the property to be annexed.</b> (Must include in application packet <u>and</u> email a Microsoft Word version to <a href="mailto:rogerss@concordnc.gov">rogerss@concordnc.gov</a> . Mark as <b>Exhibit A</b>. Source can be from Survey or Deed.</p>
✓	<p><b>Map</b> showing above written metes and bounds description of the property to be annexed <u>in relation to the current city limits</u> Mark as <b>Exhibit B</b>.</p>
✓	<p><b>A Current County Tax Map</b> with parcels included in the annexation request clearly marked. Mark as <b>Exhibit C</b>. <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a></p>
✓	<p><b>Correct Parcel Identification Number(s) (PIN) on second page of application. This is very important.</b> Please indicate if the property to be annexed is only a portion of an existing parcel. <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a></p>
✓	<p><b>Property Owners' Signatures, Date of Signatures, and addresses.</b> See page 3 of this application. <u>All real property owners</u> must sign the application, and such signature <u>must be notarized</u>. An authorized representative must sign on behalf of each legal entity that holds ownership of the property and <u>such representative's signature must be notarized</u>. <u>One signature for each legal ownership interest in the property</u>.  Please include signatures of new owners if ownership will change during the annexation process.</p>
✓	<p><b>Notary Statements for each signature</b></p>
✓	<p><b>General Warranty Deed showing ownership of the property.</b> Petitioners must submit a title opinion or title insurance if a general warranty deed is not available. Upon review, a title opinion may be required in addition to a general warranty deed.</p>
N/A	<p><b>Statement of vested rights claimed, if any.</b></p>
✓	<p><b>\$300.00 Application Fee</b></p>
✓	<p><b>A letter authorizing a developer or agent to handle annexation petition (e.g. withdraw, delay/reactivate petition).</b></p>
✓	<p><b>This application form (Sections A, B, C, and D) completed, dated and signed</b> by the property owner(s) and attested submitted by the deadlines noted in section B of this application, page 2.</p>
<p><b>Optional, but will assist in the steps following the annexation process</b></p>	
<p><b>Section E (Supplemental Information)</b></p>	
✓	<p><b>Copy of any proposed plans, which may include but is not limited to a preliminary site plan or final site plan</b></p>
✓	<p><b>Appropriate application(s) for City of Concord Planning &amp; Zoning Commission (Rezoning Petition)</b></p>
✓	<p><b>List of Current Adjacent Property Owners</b></p>

**Section B** Submittal Deadlines

Petitions for annexation are accepted by Planning & Neighborhood Development at any time. Find annexation schedule here: <https://www.concordnc.gov/Departments/Planning/Planning-Services/Annexations> **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the City Clerk.**

(The City reserves the right to make exceptions to this tentative processing schedule for any reason, including when outstanding staff comments need to be addressed.)

**Section C** Summary Information / Metes and Bounds Descriptions

**Development Project Name** Goodman Road

**Street Address** 301 Goodman Road

**Cabarrus County Property Identification Number(s)** list below

**P.I.N.** 46904886660000

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**P.I.N.**

**Acreage of Annexation Site** 4 AC

**Annexation site is requesting connection to City of Concord Water**  **and/or Sewer**   
Project will connect via adjacent parcels already annexed.

**Person to contact if there are questions about the petition**

**Name** Jason Banks

**Address** 605 Lexington Avenue, Suite 301

**Phone** 980-227-2350

**Fax #**

**Email** jbanks@orsborn-eng.com

**Written metes and bounds description of property to be annexed**

Attach additional sheets if necessary. Petitioners must submit an electronic Microsoft Word version. Petitioners must email an electronic copy to [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov).

Metes and bounds description of Tract, PIN 4690488666:

That certain tract or parcel of land situated, lying and being in Township #2, Poplar Tent Township, Cabarrus County, North Carolina and being more particularly described as follows:

BEGINNING at a point in or near the centerline of Goodman Road (SR 1441), said point being on the southerly boundary of the property of Nancy A. Smith and Richard A. Smith (now or formerly) as described in Deed Book 10422, Page 344 in the Cabarrus County Public Registry (the "Registry"); thence with and along aforesaid southerly boundary of the property of Nancy A. Smith and Richard A. Smith S 49°23'21" E (passing an existing 1/2 inch iron rod at 35.21 feet) a total distance of 814.80 feet to a new 1/2 inch iron rod, said iron being a northeasterly corner of the property of Scannell Properties #378, LLC (now or formerly) as described in Deed Book 13444, Page 29 in said Registry; thence with and along the northerly boundary of aforesaid property of Scannell Properties #378, LLC the following three (3) courses and distances: 1) S 40°29'15" W a distance of 54.84 feet to an existing 1/2 inch iron rod; 2) N 74°03'56" W a distance of 407.98 feet to an existing 1/2 inch iron rod; 3) N 80°39'39" W (passing an existing 1/2 inch iron rod at 315.16 feet) a total distance of 350.00 feet to a point in or near the centerline of Goodman Road (SR 1441); thence within the right-of-way of Goodman Road for the following three (3) courses and distances: 1) N 25°49'28" E a distance of 22.52 feet to a point; 2) N 22°32'41" E a distance of 209.87 feet to a point; 3) N 18°48'43" E a distance of 199.85 feet to the point of BEGINNING, having an area of 174,165 square feet or 3.9983 acres, more or less.

**Section D** Annexation Petition

**State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

**Contiguous** to the present primary corporate limits of the City of Concord, North Carolina, or

**Satellite (Not Contiguous)** to the municipal limits of the City of Concord, and meets all of the requirements for **NCGS §160A-58.1(b)**. This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes \_\_\_ No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the owners of the property described in Section C.

**Owner's Signature(s)**

**Include signatures of new owners if ownership will change during the annexation process.**

**Indicate if owner is signing on behalf of legal entity and in what capacity.**

Print Name Steven Greer Poplin Phone 704-634-9727

Address 301 Goodman Road, Concord, NC 28027

Signature *Steven Greer Poplin* Date 10-9-2019

Print Name Mary B. Poplin Phone \_\_\_\_\_

Address 301 Goodman Road, Concord, NC 28027

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**A notary statement must be completely filled out for each signature.**

PETITION MUST BE NOTARIZED

State of: North Carolina  
County of: Cabarrus

Use this section for individual landowners.

I, Steven Atwell [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, Steven Poplin [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

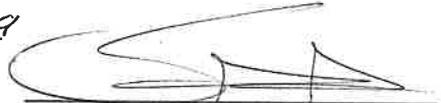
Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.

I, \_\_\_\_\_ [Notary's Name], a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ [Representative for Landowner], a duly authorized representative for \_\_\_\_\_ [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is \_\_\_\_\_ [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.

I, \_\_\_\_\_ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, \_\_\_\_\_ [Attorney-In-Fact's Name], Attorney-in-Fact for \_\_\_\_\_, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of \_\_\_\_\_, State of \_\_\_\_\_, [County & State of Recording Office] on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposed therein expressed for and on behalf of said Landowners.

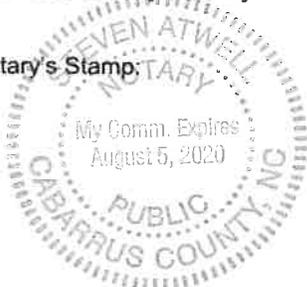
Witness my hand and official seal this 9<sup>th</sup> day of Oct, 2019

  
Notary Public

My commission expires 8/5, 2020

[SEAL of Notary Public]

Notary's Stamp:



**Section D Annexation Petition**

**State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

<input checked="" type="checkbox"/>	<b>Contiguous</b> to the present primary corporate limits of the City of Concord, North Carolina, or
	<b>Satellite (Not Contiguous)</b> to the municipal limits of the City of Concord, and meets all of the requirements for <b>NCGS §160A-58.1(b)</b> . This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes \_\_\_ No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by the owners of the property described in Section C.

**Owner's Signature(s)**

Include signatures of new owners if ownership will change during the annexation process.

Indicate if owner is signing on behalf of legal entity and in what capacity.

Print Name Steven Greer Poplin Phone \_\_\_\_\_

Address 301 Goodman Road, Concord, NC 28027

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name Mary B. Poplin Phone 704-975-6261

Address 301 Goodman Road, Concord, NC 28027

Signature *Mary B. Poplin* Date 10-9-19

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**A notary statement must be completely filled out for each signature.**

PETITION MUST BE NOTARIZED

State of: North Carolina  
County of: Randolph

Use this section for individual landowners.

I, Wendy Thompson [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, Mary Beth Poplin [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.

I, \_\_\_\_\_ [Notary's Name], a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ [Representative for Landowner], a duly authorized representative for \_\_\_\_\_ [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is \_\_\_\_\_ [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.

I, \_\_\_\_\_ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, \_\_\_\_\_ [Attorney-In-Fact's Name], Attorney-in-Fact for \_\_\_\_\_, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of \_\_\_\_\_, State of \_\_\_\_\_, [County & State of Recording Office] on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposed therein expressed for and on behalf of said Landowners.

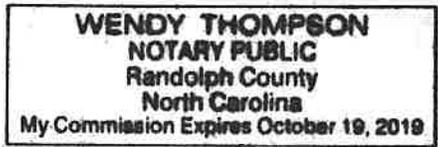
Witness my hand and official seal this 9th day of October, 2019.

Wendy Thompson  
Notary Public

My commission expires October 19, 2019

[SEAL of Notary Public]

Notary's Stamp:



### Affidavit & Consent of Owner

Project: Annexation and Rezoning of 301 Goodman Road

Docket \_\_\_\_\_

I (we) Steven Greer Poplin and Mary Beth W. Poplin  
NAME(S)

After being first duly sworn, depose and say:

- 1. That I/we are the owner(s) of the real estate located at 301 Goodman Road, Concord, NC  
(ADDRESS)
- 2. That I/we have read and examined the Application, and are familiar with its contents.
- 3. That I/we have no objection to, and consent to such request as set forth in the application, and hereby authorize Scannell Properties, LLC and/or Scannell Properties #378, LLC, as our representative to sign and submit on its behalf any necessary related applications for annexation and rezoning of the aforementioned property.
- 4. That such request being made by the applicant (\_\_\_\_ is) ( is not) a condition to the sale or lease of the above referenced property.

(AFFIANT) Steven Greer Poplin (AFFIANT) \_\_\_\_\_  
 (AFFIANT) Mary Beth W. Poplin (AFFIANT) \_\_\_\_\_  
 (AFFIANT)

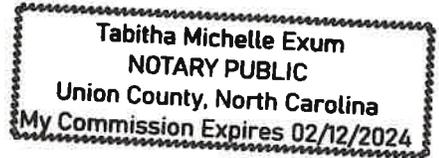
STATE OF NORTH CAROLINA )  
 ) SS  
 COUNTY OF Cabarrus )

Subscribed and sworn to before me this 4th day of October, 2019.

Tabitha Michelle Exum  
, Notary Public

My Commission expires: 02/12/2024

County of Residence: Union



**Section E** Supplemental Information

In order for the City of Concord to better serve annexation areas, now and in the future, the City requests the following information from you. Please give your best estimates where they are needed. Contact information for relative City Departments can be found at the end of the worksheet. Please indicate 'N/A' for questions on which you have no information.

<b>Acreage of Area</b>					4 AC				
<b>Current Population of Area</b>					2				
<b>Current Zoning of Area</b>					LI				
<b>Desired City Zoning of Area</b>					I2				
<b>Proposed Use (i.e. residential, commercial, or industrial)</b>					Industrial Warehouse				
<b>Estimated Total Value of Residential Units for the Proposed Development</b>					0				
<b>Total Proposed Number of Dwelling Units</b>					0				
<b>Type of Proposed Dwelling Units</b> (Single Family Detached, Single Family Attached, Multi-Family)									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Estimated Total Value of Business Units for the Entire Proposed Development</b>									
Commercial Value		0	Industrial Value				Other (not-for-profit) Value	0	
<b>Proposed Number of Commercial</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Proposed Number of Industrial</b>									
Year 1	1	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Proposed Number of Other (not-for-profit)?</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0

**Section E (continued) Supplemental Information**

**Street Information**

<b>Proposed total linear mileage of roadway installed</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Proposed total number of non-state maintained street miles</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0

**Water Information**

<b>Typical water service(s) (i.e. ¾", 1", etc.)</b>									
<b>Number of services installed by developer (by service type)</b>									
Year 1	TBD	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Number of services requested (by service type)</b>									
Year 1	TBD	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Typical irrigation meter size(s) to be installed (i.e. ¾", 1", etc.)</b>									
<b>Number of Services Requested</b>									
Year 1	TBD	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Estimated Mileage of Water Pipe Needed</b>									
Year 1	TBD	Year 2	0	Year 3	0	Year 4	0	Year 5	0

**Sewer Information**

<b>Typical sewer service(s) (i.e. 4", 6", 8" etc.)</b>									
<b>Number of services installed by developer (by service type)</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Number of services requested (by service type)</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Estimated Mileage of Water Pipe Needed</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0

**Section E (continued) Supplemental Information**

<b>Solid Waste Data</b>									
<b>Number of Rollouts needed for Multi-Family Units</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Number of commercial units using City rollout collection</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Number of commercial units needing corrugated (cardboard) recycling</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0
<b>Number of commercial units needing white paper pick-up (recycling)</b>									
Year 1	0	Year 2	0	Year 3	0	Year 4	0	Year 5	0

**PLEASE SUBMIT ANY SKETCH PLANS OR PRELIMINARY PLATS THAT YOU MAY CURRENTLY HAVE FOR YOUR PROJECT.**

City Contact Information

Planning and Neighborhood Development	704-920-5146
Water Resources Director	704-920-5343
Director of Electric Services	704-920-5301
Director of Engineering	704-920-5401
Solid Waste Manager	704-920-5351
Fire Chief	704-920-5536
Police Chief	704-920-5000
Transportation	704-920-5362
Legal	704-920-5114

# **Exhibit A**

## **Meets and Bounds**

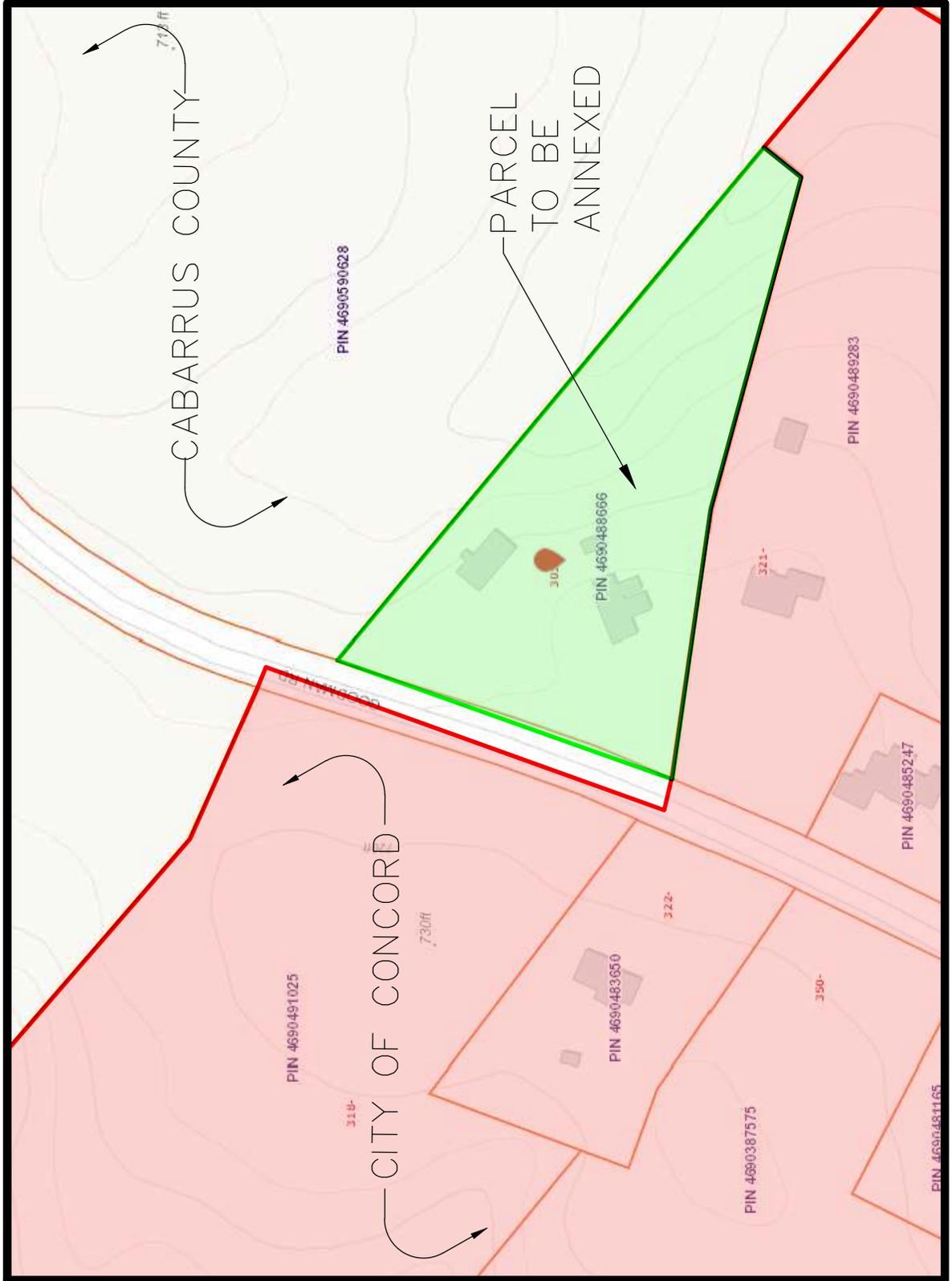
### **Description**

**Metes and bounds description of Tract, PIN 4690488666:**

That certain tract or parcel of land situated, lying and being in Township #2, Poplar Tent Township, Cabarrus County, North Carolina and being more particularly described as follows:

BEGINNING at a point in or near the centerline of Goodman Road (SR 1441), said point being on the southerly boundary of the property of Nancy A. Smith and Richard A. Smith (now or formerly) as described in Deed Book 10422, Page 344 in the Cabarrus County Public Registry (the "Registry"); thence with and along aforesaid southerly boundary of the property of Nancy A. Smith and Richard A. Smith S 49°23'21" E (passing an existing 1/2 inch iron rod at 35.21 feet) a total distance of 814.80 feet to a new 1/2 inch iron rod, said iron being a northeasterly corner of the property of Scannell Properties #378, LLC (now or formerly) as described in Deed Book 13444, Page 29 in said Registry; thence with and along the northerly boundary of aforesaid property of Scannell Properties #378, LLC the following three (3) courses and distances: 1) S 40°29'15" W a distance of 54.84 feet to an existing 1/2 inch iron rod; 2) N 74°03'56" W a distance of 407.98 feet to an existing 1/2 inch iron rod; 3) N 80°39'39" W (passing an existing 1/2 inch iron rod at 315.16 feet) a total distance of 350.00 feet to a point in or near the centerline of Goodman Road (SR 1441); thence within the right-of-way of Goodman Road for the following three (3) courses and distances: 1) N 25°49'28" E a distance of 22.52 feet to a point; 2) N 22°32'41" E a distance of 209.87 feet to a point; 3) N 18°48'43" E a distance of 199.85 feet to the point of BEGINNING, having an area of 174,165 square feet or 3.9983 acres, more or less.

**Exhibit B & C**  
**Map showing property**  
**to be annexed in**  
**relation to current city**  
**limits and current**  
**county tax map**



# **Exhibit D**

# **Deed**

BOOK 719 PAGE 232

6160



BOOK 719 PAGE 292  
JUL 5 2 34 PM '89

CHARLES B. ROSS  
REGISTER OF DEEDS  
CABARRUS CO., N.C.

Excise Tax \$75.00

Recording Time, Book and Page

Tax Lot No. 2-2-17 Parcel Identifier No.  
Verified by ..... County on the ..... day of ..... 19  
by .....

Mail after recording to Mr. and Mrs. Steven Greer Poplin  
301 Goodman Road, Concord, North Carolina 28025

This instrument was prepared by HOWARD S. IRVIN, P.A., Attorney At Law, Concord, North Carolina

Brief description for the Index Goodman Drive (SR 1441)

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 30th day of June, 1989, by and between

GRANTOR

GRANTEE

LULA A. CLINE  
(Widow)

STEVEN GREER POPLIN  
and wife  
MARY BEITH W. POPLIN

Enter in appropriate block for each party; name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Cabarrus County, North Carolina and more particularly described as follows:

Lying and Being in Number Two (2) Township of Cabarrus County, North Carolina on the East side of Goodman Drive (SR 1441), adjoining the property of Lewis G. Allison and others, Being a part of the property of Lula A. Cline, and being more fully described as follows:

BEGINNING at a spike in or near the centerline of Goodman Drive, an old corner in the line of Lewis G. Allison (now or formerly, see Deed Book 300, Page 241) and runs thence with the line of Allison South 52-46-41 East 814.80 feet (passing an iron stake in line at 35.00 feet) to an iron stake in line, a corner of William B. Cline (Deed Book 661, Page 98); thence with three (3) lines of Cline as follows: First, South 37-13-19 West 54.84 feet to an iron stake; thence Second, North 77-28-17 West 407.98 feet to an iron stake; thence Third, North 84-04-03 West 350.00 feet (passing an iron stake in line at 315.00 feet) to a spike in the centerline of Goodman Drive, a front corner of William B. Cline; thence with Goodman Circle three (3) lines as follows: First, North 22-26-49 East 22.53 feet to an existing nail, a corner of Mary L. Furr and William Allen Little; thence Second, North 19-10-02 East 209.95 feet to an existing nail, corner of Little; thence Third, North 15-26-04 East 199.93 feet to the point of BEGINNING, containing 4.000 acres, more or less, as surveyed and platted by Concord Engineering And Surveying, Inc., March 4, 1988; Subject to the Right of Way for Goodman Drive.

This being a part of the property as conveyed to George W. Cline and wife Lula A. Cline by Deed dated October 24, 1951 from A. W. Brumley, Commissioner and recorded in Deed Book 237, Page 251, Cabarrus Registry. George Woodrow Cline died in Cabarrus County on

September 12, 1983 (see Estate file 83E450 in the Office of the Clerk of Superior Court for Cabarrus County).

The property hereinabove described was acquired by Grantor by instrument recorded in Dead Book 237, Page 251, Cabarrus Registry

A map showing the above described property is recorded in Plat Book page TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Subject to the Right of Way for Goodman Drive (SR 1441).

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

By: (Corporate Name) Lula A. Cline (Lula A. Cline) (SEAL)
President (SEAL)
ATTENT: Secretary (Corporate Seal) (SEAL)



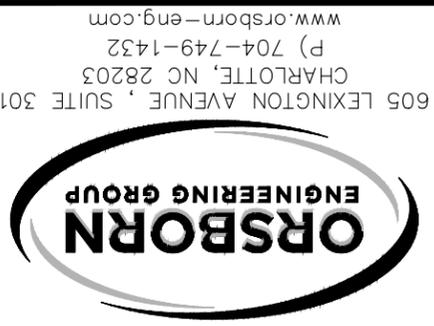
NORTH CAROLINA, Cabarrus County. I, a Notary Public of the County and State aforesaid, certify that Lula A. Cline (Widow) Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 30 day of June 19 89. My commission expires: 4/14/91 Phillip R. Lippard Notary Public

SEAL-STAMP NORTH CAROLINA, County. I, a Notary Public of the County and State aforesaid, certify that personally came before me this day and acknowledged that he is Secretary of a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by as its Secretary. Witness my hand and official stamp or seal, this day of 19. My commission expires: Notary Public

Phillip R. Lippard, Notary Public of Cabarrus Co., N.C.

It is certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof. REGISTER OF DEEDS Cabarrus COUNTY BY [Signature] Register of Deeds

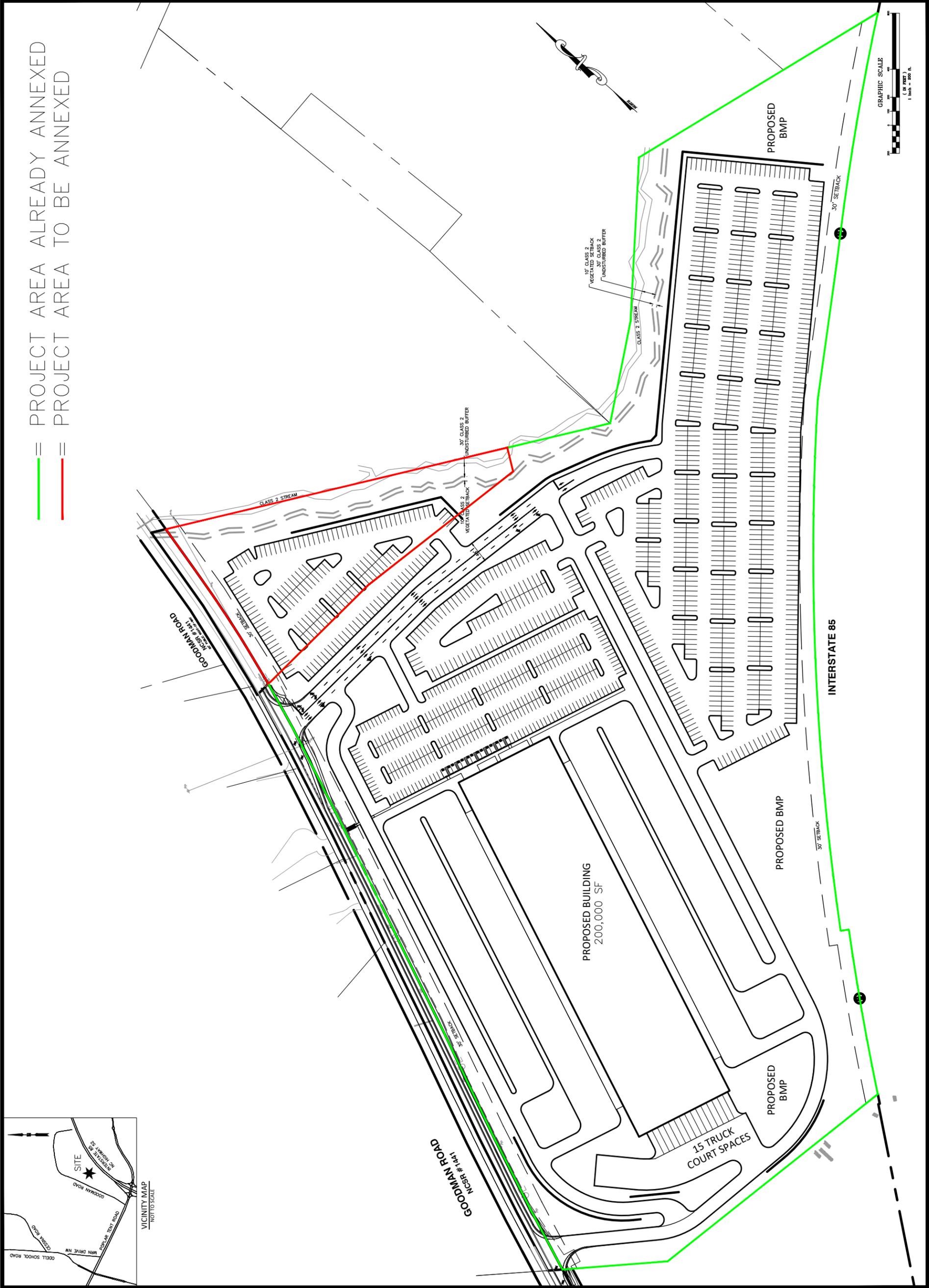
# **Exhibit E: Proposed Plans**



OVERALL SITE PLAN  
FOR  
DLT3  
CONCORD, NORTH CAROLINA 28027

JOB #	19017
DATE:	10/08/2019
SCALE:	1" = 200'
DRAWN BY:	JMB
APPROVED BY:	JCO

**EXHIBIT E**



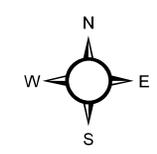


# Subject Property Map

ANX-09-19

Jason Banks,  
Orsborn Engineering

301 Goodman Rd  
PIN:  
4690-48-8666



Source: City of Concord  
Planning Department

### Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



### Legend

Concord City Limits

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 301  
GOODMAN RD, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Jason Banks of Orsborn Engineering on December 12, 2019 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on December 12, 2019 after due notice by The Independent Tribune on December 1, 2019; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, that:

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 12<sup>th</sup> day of December 2019:

That certain tract or parcel of land situated, lying and being in Township #2, Poplar Tent Township, Cabarrus County, North Carolina and being more particularly described as follows:

BEGINNING at a point in or near the centerline of Goodman Road (SR 1441), said point being on the southerly boundary of the property of Nancy A. Smith and Richard A. Smith (now or formerly) as described in Deed Book 10422, Page 344 in the Cabarrus County Public Registry (the "Registry"); thence with and along aforesaid southerly boundary of the property of Nancy A. Smith and Richard A. Smith S 49°23'21" E (passing an existing 1/2 inch iron rod at 35.21 feet) a total distance of 814.80 feet to a new 1/2 inch iron rod, said iron being a northeasterly corner of the property of Scannell Properties #378, LLC (now or formerly) as described in Deed Book 13444, Page 29 in said Registry; thence with and along the northerly boundary of aforesaid property of Scannell Properties #378, LLC the following three (3) courses and distances: 1) S 40°29'15" W a distance of 54.84 feet to an existing 1/2 inch iron rod; 2) N 74°03'56" W a distance of 407.98 feet to an existing 1/2 inch iron rod; 3) N 80°39'39" W (passing an existing 1/2 inch iron rod at 315.16 feet) a total distance of 350.00 feet to a point in or near the centerline of Goodman Road (SR 1441); thence within the right-of-way of Goodman Road for the following three (3) courses and distances: 1) N 25°49'28" E a distance of 22.52 feet to a point; 2) N 22°32'41" E a distance of 209.87 feet to a point; 3) N 18°48'43" E a distance of 199.85 feet to the point of BEGINNING, having an area of 174,165 square feet or 3.9983 acres, more or less.

SECTION 2. Upon and after the 12<sup>th</sup> day of December, 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 12<sup>th</sup> day of December 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City  
Attorney



**Planning &  
Neighborhood Development**  
35 Cabarrus Avenue, West  
PO Box 308 Concord, NC 28026  
Phone: 704-920-5146  
Email: [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov)

**Petition for Annexation into the Concord City Limits**

<u>Section A</u> Submittal Checklist	
Please include all of the following (check off). If any information is missing from the application package, you will be asked to resubmit the petition with all required materials. Please carefully check the list below before you submit:	
<b>Required – An incomplete application will delay the annexation process.</b>	
	<b>Written metes and bounds description of the property to be annexed.</b> (Must include in application packet <u>and</u> email a Microsoft Word version to <a href="mailto:rogerss@concordnc.gov">rogerss@concordnc.gov</a> ). Mark as <b>Exhibit A</b> . Source can be from Survey or Deed.
✓	<b>Map</b> showing above written metes and bounds description of the property to be annexed <u>in relation to the current city limits</u> . Mark as <b>Exhibit B</b> .
✓	<b>A Current County Tax Map</b> with parcels included in the annexation request clearly marked. Mark as <b>Exhibit C</b> . <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a>
✓	<b>Correct Parcel Identification Number(s) (PIN) on second page of application.</b> This is very important. Please indicate if the property to be annexed is only a portion of an existing parcel. <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a>
	<b>Property Owners' Signatures, Date of Signatures, and addresses.</b> See page 3 of this application. <u>All real property owners</u> must sign the application, and such signature <u>must be notarized</u> . An authorized representative must sign on behalf of each legal entity that holds ownership of the property and <u>such representative's signature must be notarized</u> . <u>One signature for each legal ownership interest in the property.</u>  Please include signatures of new owners if ownership will change during the annexation process.
	<b>Notary Statements for each signature</b>
	<b>General Warranty Deed showing ownership of the property.</b> Petitioners must submit a title opinion or title insurance if a general warranty deed is not available. Upon review, a title opinion may be required in addition to a general warranty deed.
✓	<b>Statement of vested rights claimed, if any.</b>
	<b>\$300.00 Application Fee</b>
	<b>A letter authorizing a developer or agent to handle annexation petition (e.g. withdraw, delay/reactivate petition).</b>
	<b>This application form (Sections A, B, C, and D) completed, <u>dated and signed</u> by the property owner(s) and attested submitted by the deadlines noted in section B of this application, page 2.</b>
<b>Optional, but will assist in the steps following the annexation process</b>	
	<b><u>Section E (Supplemental Information)</u></b>
✓	<b>Copy of any proposed plans, which may include but is not limited to a preliminary site plan or final site plan</b>
✓	<b>Appropriate application(s) for City of Concord Planning &amp; Zoning Commission (Rezoning Petition)</b>
✓	<b>List of Current Adjacent Property Owners</b>

**Section B** Submittal Deadlines

Petitions for annexation are accepted by Planning & Neighborhood Development at any time. Find annexation schedule here: <https://www.concordnc.gov/Departments/Planning/Planning-Services/Annexations> **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the City Clerk.**

(The City reserves the right to make exceptions to this tentative processing schedule for any reason, including when outstanding staff comments need to be addressed.)

**Section C** Summary Information / Metes and Bounds Descriptions

**Development Project Name** Lower Rocky River Road Properties

**Street Address** 7785 Rock River Road

**Cabarrus County Property Identification Number(s)** list below

**P.I.N.** 5527-41-6442-0000

**P.I.N.** 5527-40-6497-0000

**P.I.N.** 5527-40-1148-0000

**P.I.N.** 5526-39-8913-0000

**P.I.N.**

**P.I.N.**

**Acreage of Annexation Site** 56.88

**Annexation site is requesting connection to City of Concord Water**  **and/or Sewer**

**Person to contact if there are questions about the petition**

**Name** Keith Rains, PE - McKim & Creed

**Address** 8020 Tower Point Drive, Charlotte, NC 28227

**Phone** 803-493-5393

**Fax #** 704-841-2567

**Email** [krains@mckimcreed.com](mailto:krains@mckimcreed.com)

**Written metes and bounds description of property to be annexed**

Attach additional sheets if necessary. Petitioners must submit an electronic Microsoft Word version. Petitioners must email an electronic copy to [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov)

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**Written metes and bounds description of property to be annexed**

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PETITION MUST BE NOTARIZED

State of: N. CAROLINA  
County of: CABARRUS

**Use this section for individual landowners.**

I, STEWART L. ALLISON [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, BRUCE J KELLY & EUGENE JILL KELLY [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

**Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.**

I, \_\_\_\_\_ [Notary's Name], a Notary Public for said County and State, do hereby certify that \_\_\_\_\_ [Representative for Landowner], a duly authorized representative for \_\_\_\_\_ [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is \_\_\_\_\_ [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

**Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.**

I, \_\_\_\_\_ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, \_\_\_\_\_ [Attorney-In-Fact's Name], Attorney-in-Fact for \_\_\_\_\_, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of \_\_\_\_\_, State of \_\_\_\_\_, [County & State of Recording Office] on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposed therein expressed for and on behalf of said Landowners.

Witness my hand and official seal this 19<sup>th</sup> day of July, 2018

[Signature]  
Notary Public

My commission expires SEPT 30, 2021

[SEAL of Notary Public]

Notary's Stamp: **STEWART L ALLISON**  
NOTARY PUBLIC  
CABARRUS COUNTY  
STATE OF NORTH CAROLINA

**Section D** Annexation Petition

**State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

**Contiguous** to the present primary corporate limits of the City of Concord, North Carolina, or

**Satellite (Not Contiguous)** to the municipal limits of the City of Concord, and meets all of the requirements for **NCGS §160A-58.1(b)**. This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes \_\_\_ No

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by the owners of the property described in Section C.

**Owner's Signature(s)**

**Include signatures of new owners if ownership will change during the annexation process.**

**Indicate if owner is signing on behalf of legal entity and in what capacity.**

Print Name Anne W. Tino Trustee Phone \_\_\_\_\_

Address 12 Lawnside Drive, Cheltenham, PA 19012

Signature SEE OTHER SHEET Date \_\_\_\_\_

Print Name Brian J. Kelly Phone 205.597.5097

Address 8397 Lower Rocky River Road, Concord, NC 28025

Signature BJKelly Date July 19, 2019

Print Name Elaine Hill Kelly Phone 704.773.863

Address 8397 Lower Rocky River Road, Concord, NC 28025

Signature Elaine Hill Kelly Date July 19, 2019

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**A notary statement must be completely filled out for each signature.**

**Section D** Annexation Petition

**State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

**Contiguous** to the present primary corporate limits of the City of Concord, North Carolina, or

**Satellite (Not Contiguous)** to the municipal limits of the City of Concord, and meets all of the requirements for NCGS §160A-58.1(b). This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

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Do you declare such vested rights for the property subject to this petition? Yes \_\_\_ No \_\_\_

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ by the owners of the property described in Section C.

**Owner's Signature(s)**

Include signatures of new owners if ownership will change during the annexation process.

Indicate if owner is signing on behalf of legal entity and in what capacity.

Print Name Anne W. Tino Trust Phone 215-740-4228

Address 12 LAWNSIDE RD, CHELTENHAM PA 19012

Signature *Marc Tino (Trustee)* Anne W. Tino Trust Date 07-16-2019

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**A notary statement must be completely filled out for each signature.**

PETITION MUST BE NOTARIZED

State of: PA  
County of: Montgomery

Use this section for individual landowners.

I, Kathryn I. Reber [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, Anne W. Tino Trust [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.

I, Kathryn I. Reber [Notary's Name], a Notary Public for said County and State, do hereby certify that Mark Tino Trustee [Representative for Landowner], a duly authorized representative for Anne W. Tino Trust [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is Trustee [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.

I, \_\_\_\_\_ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, \_\_\_\_\_ [Attorney-In-Fact's Name], Attorney-in-Fact for \_\_\_\_\_, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of \_\_\_\_\_, State of \_\_\_\_\_, [County & State of Recording Office] on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposes therein expressed for and on behalf of said Landowners.

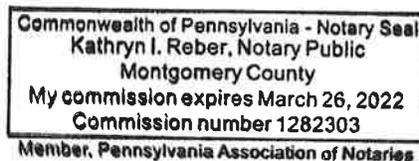
Witness my hand and official seal this 16 day of July, 2019.

Kathryn I. Reber  
Notary Public

My commission expires March 26, 2022

[SEAL of Notary Public]

Notary's Stamp:



**Section E** Supplemental Information

In order for the City of Concord to better serve annexation areas, now and in the future, the City requests the following information from you. Please give your best estimates where they are needed. Contact information for relative City Departments can be found at the end of the worksheet. Please indicate 'N/A' for questions on which you have no information.

<b>Acreage of Area</b>										56.88 Acres				
<b>Current Population of Area</b>										N/A				
<b>Current Zoning of Area</b>										CR (Countryside Residential)				
<b>Desired City Zoning of Area</b>										RV				
<b>Proposed Use (i.e. residential, commercial, or industrial)</b>										Residential				
<b>Estimated Total Value of Residential Units for the Proposed Development</b>										N/A				
<b>Total Proposed Number of Dwelling Units</b>										130				
<b>Type of Proposed Dwelling Units (Single Family Detached, Single Family Attached, Multi-Family)</b>										Single Family Detached				
Year 1		Year 2		Year 3		Year 4		Year 5						
<b>Estimated Total Value of Business Units for the Entire Proposed Development</b>										N/A				
<b>Commercial Value</b>				<b>Industrial Value</b>				<b>Other (not-for-profit) Value</b>						
<b>Proposed Number of Commercial</b>										N/A				
Year 1		Year 2		Year 3		Year 4		Year 5						
<b>Proposed Number of Industrial</b>										N/A				
Year 1		Year 2		Year 3		Year 4		Year 5						
<b>Proposed Number of Other (not-for-profit)?</b>										N/A				
Year 1		Year 2		Year 3		Year 4		Year 5						

**Section E (continued) Supplemental Information**

<b>Street Information</b>									
<b>Proposed total linear mileage of roadway installed</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Proposed total number of non-state maintained street miles</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	

<b>Water Information</b>									
<b>Typical water service(s) (i.e. 3/4", 1", etc.)</b>					3/4"				
<b>Number of services installed by developer (by service type)</b>					130				
Year 1	26	Year 2	26	Year 3	26	Year 4	26	Year 5	26
<b>Number of services requested (by service type)</b>									
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Typical irrigation meter size(s) to be installed (i.e. 3/4", 1", etc.)</b>					N/A				
<b>Number of Services Requested</b>									
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Estimated Mileage of Water Pipe Needed</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	

<b>Sewer Information</b>									
<b>Typical sewer service(s) (i.e. 4", 6", 8" etc.)</b>					4"				
<b>Number of services installed by developer (by service type)</b>					130				
Year 1	26	Year 2	26	Year 3	26	Year 4	26	Year 5	26
<b>Number of services requested (by service type)</b>					130				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Estimated Mileage of Water Pipe Needed</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	

**Section E (continued) Supplemental Information**

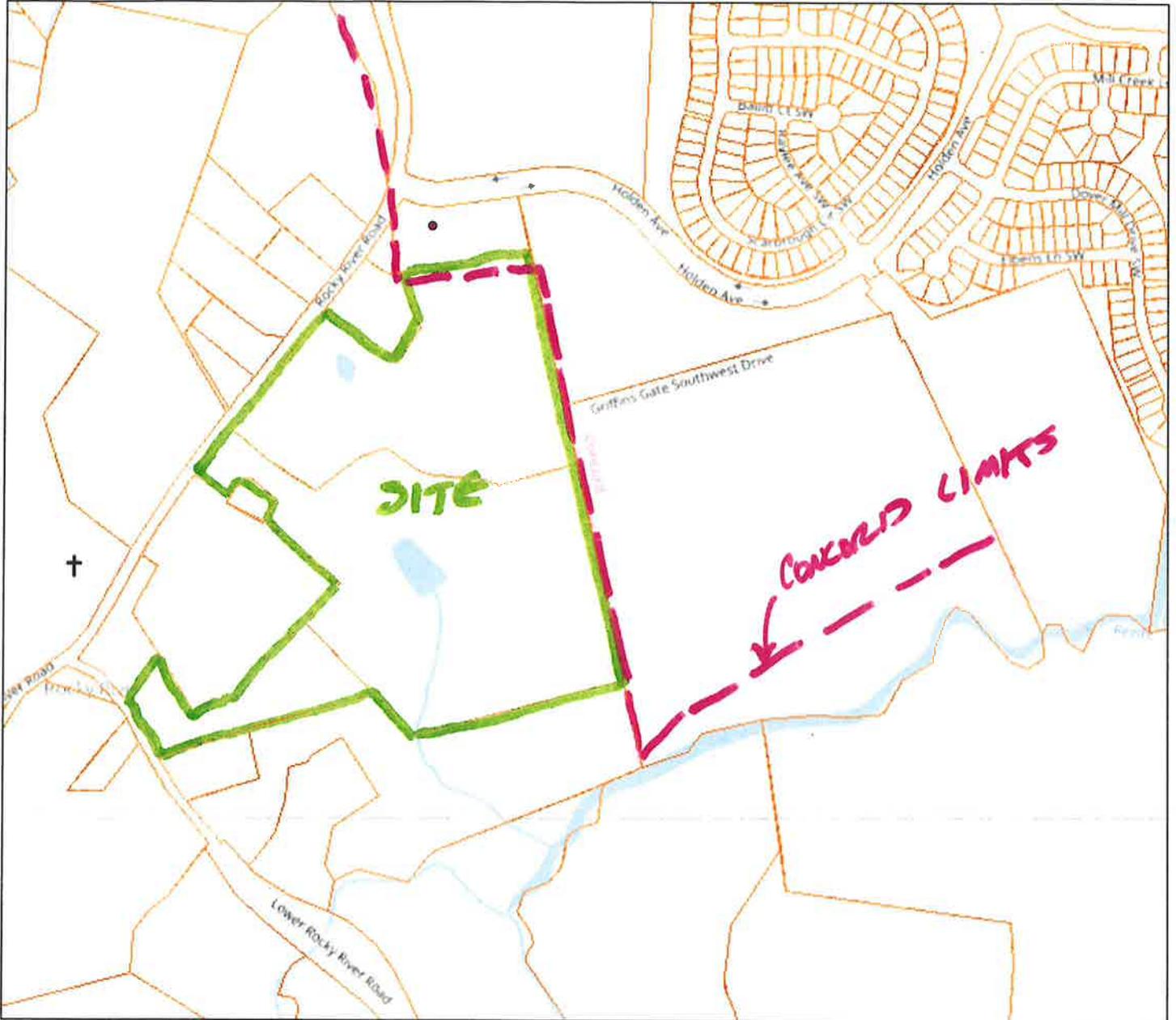
<b>Solid Waste Data</b>									
<b>Number of Rollouts needed for Multi-Family Units</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units using City rollout collection</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units needing corrugated (cardboard) recycling</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units needing white paper pick-up (recycling)</b>					N/A				
Year 1		Year 2		Year 3		Year 4		Year 5	

**PLEASE SUBMIT ANY SKETCH PLANS OR PRELIMINARY PLATS THAT YOU MAY CURRENTLY HAVE FOR YOUR PROJECT.**

City Contact Information

Planning and Neighborhood Development	704-920-5146
Water Resources Director	704-920-5343
Director of Electric Services	704-920-5301
Director of Engineering	704-920-5401
Solid Waste Manager	704-920-5351
Fire Chief	704-920-5536
Police Chief	704-920-5000
Transportation	704-920-5362
Legal	704-920-5114

PIN 55274280380000

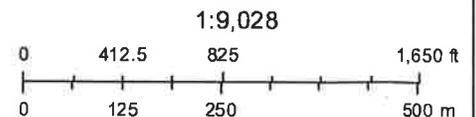


**Property Real ID** 01-019 -0002.26  
**Physical Address:** 1002 HOLDEN AVE SW CONCORD NC 28025  
**Owner Name 1:** MILLS VENTURES LLC  
**Owner Name 2:**  
**Mailing Address:** ATTN: R DEAN HARRELL 5615 POTTER RD  
**Mail City:** MATTHEWS  
**Mail State:** NC  
**Mail Zip:** 28104

**Parcel PIN** 55274280380000  
**Land Units** 3.189  
**Land Units Type** AC  
**Land Value** Null  
**Building Value** Null  
**Assessed Value** Null  
**Market Value** Null

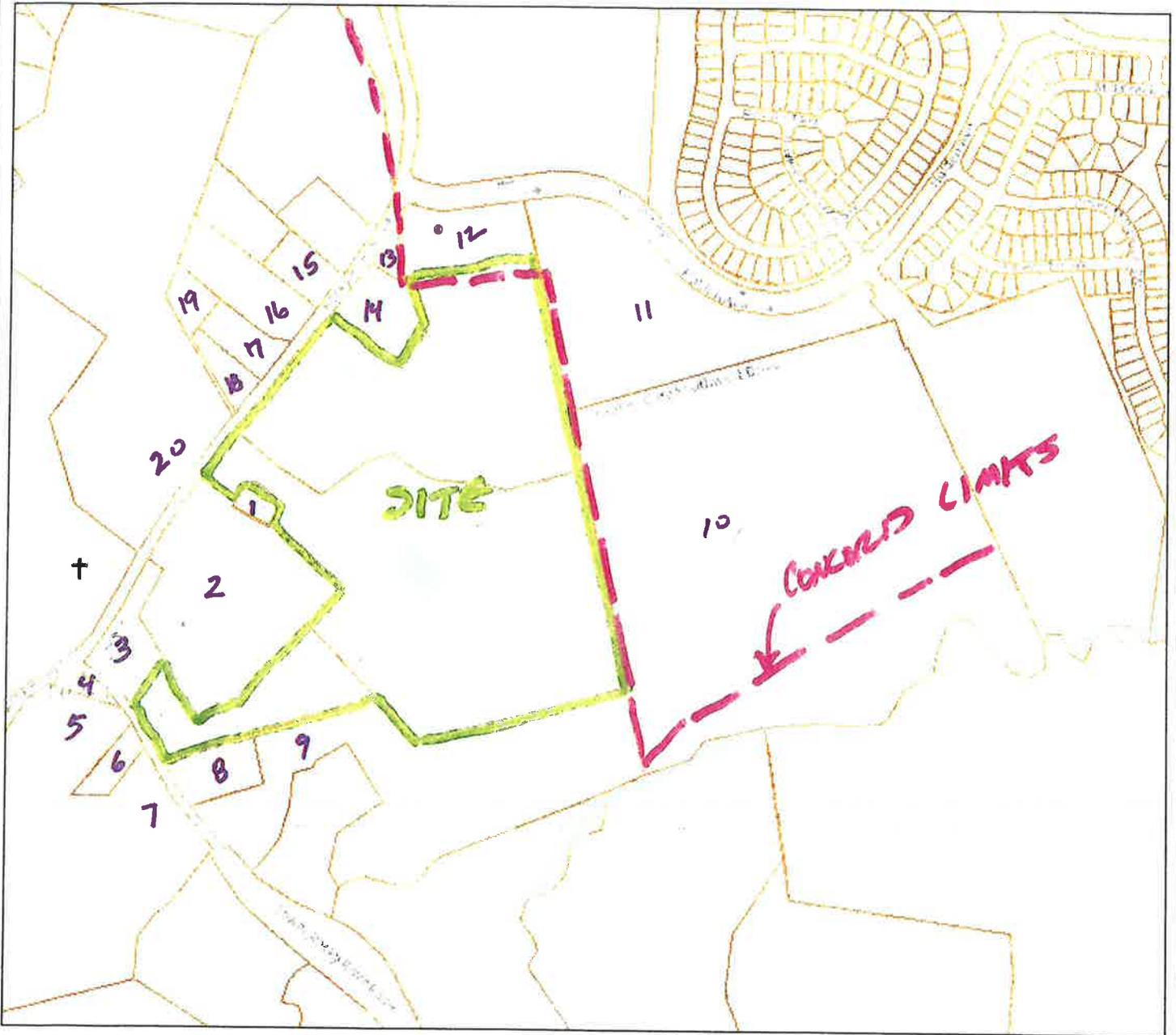
Cabarrus County shall not be held liable for any errors in the data represented on this record. This includes errors of omission, commission, concerning the content of the data, and relative positional accuracy of the data. The data cannot be construed to be a legal document. Primary sources from which this data was compiled must be consulted for verification of information represented on this map document.

Map Created By Cabarrus County IT Department  
 Data Sources: Cabarrus County Land Records





# ADJOINERS

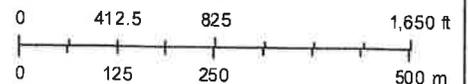


<b>Property Real ID</b>	01-019 -0002.26	<b>Parcel PIN</b>	55274280380000
<b>Physical Address:</b>	1002 HOLDEN AVE SW CONCORD NC 28025	<b>Land Units</b>	3.189
<b>Owner Name 1:</b>	MILLS VENTURES LLC	<b>Land Units Type</b>	AC
<b>Owner Name 2:</b>		<b>Land Value</b>	Null
<b>Mailing Address:</b>	ATTN: R DEAN HARRELL 5615 POTTER RD	<b>Building Value</b>	Null
<b>Mail City:</b>	MATTHEWS	<b>Assessed Value</b>	Null
<b>Mail State:</b>	NC	<b>Market Value</b>	Null
<b>Mail Zip:</b>	28104		

Cabarrus County shall not be held liable for any errors in the data represented on this record. This includes errors of omission, commission, concerning the content of the data, and relative positional accuracy of the data. The data cannot be construed to be a legal document. Primary sources from which this data was compiled must be consulted for verification of information represented on this map document.

Map Created By Cabarrus County IT Department  
Data Sources: Cabarrus County Land Records

1:9,028



Property #:	Parcel/PIN #:	Account Name:	Physical Address:	Mailing Address:	City:
1	55273099670000	ROCKY RIVER PRESBYTERIAN CH	7791 ROCKY RIVER RD CONCORD NC 28025	7940 ROCKY RIVER ROAD	Concord, NC 28025
2	55273096120000	LINKER ROBERTA GAIL RITCHE	7811 ROCKY RIVER RD CONCORD NC 28025	7800 ROCKY RIVER RD	Concord, NC 28025
3	55272173400000	ROCKY RIVER PRESBYTERIAN CH	7859 PHARR MILL RD HARRISBURG NC 28025	7940 ROCKY RIVER ROAD	Concord, NC 28025
4	55273022240000	SECURITY OIL CO INC	7939 ROCKY RIVER RD CONCORD NC 28025	PO BOX 5028	Concord, NC 28025
5	55263904480000	LINKER ANDREW	1419 PEMBROOK RD HARRISBURG NC 28075	509 JOSLIN POINTE LN	Rock Hill, SC 29732
6	55263939520000	RICE SCOTT S; RICE LORRAINE L WF	8030 LOWER ROCKY RIVER RD CONCORD NC 28025	8030 LOWER ROCKY RIVER RD	Concord, NC 28025
7	55263904480000	LINKER ANDREW	1419 PEMBROOK RD HARRISBURG NC 28075	509 JOSLIN POINTE LN	Rock Hill, SC 29732
8	55263989130000	KELLY BRIAN J; KELLY ELAINE HILL WF	8063 LOWER ROCKY RIVER RD CONCORD NC 28025	8397 LOWER ROCKY RIVER RD	Concord, NC 28025
9	55264978140000	ELSWICK BRIC A; ELSWICK LAURIE A	8079 LOWER ROCKY RIVER RD CONCORD NC 28025	8121 LOWER ROCKY RIVER RD	Concord, NC 28025
10	55276018700000	CABARRUS COUNTY	7650 GRIFFIN'S GATE DR SW CONCORD NC 28025	PO BOX 707	Concord, NC 28026
11	55275157990000	GREEN STREET LAND CO LLC	There is no physical address associated with this property.	7140 WEDDINGTON RD NW STE 140	Concord, NC 28027
12	55274280380000	MILLS VENTURES LLC	1002 HOLDEN AVE SW CONCORD NC 28025	ATTN: R DEAN HARRELL 5615 POTTER RD	Mathews, NC 28104
13	55274159490000	MILLS VENTURES LLC	7601 ROCKY RIVER RD CONCORD NC 28025	ATTN: R DEAN HARRELL 5615 POTTER RD	Mathews, NC 28104
14	55274157060000	VANG MAO KHA; VANG DIA X	7627 ROCKY RIVER RD CONCORD NC 28025	7627 ROCKY RIVER RD	Concord, NC 28025
15	55274119530000	WAGONER DONALD E; WAGONER PAMELA B	7626 ROCKY RIVER RD CONCORD NC 28025	7626 ROCKY RIVER RD	Concord, NC 28025
16	55273199100000	FRADY LARRY EUGENE SR; FRADY CYNTHIA GAYE	7650 ROCKY RIVER RD CONCORD NC 28025	7650 ROCKY RIVER RD	Concord, NC 28025
17	55273196270000	EDWARDS RUSSELL; DRZEWUCKI AMANDA R	7690 ROCKY RIVER RD CONCORD NC 28025	7690 ROCKY RIVER RD	Concord, NC 28025
18	55273185540000	LINKER ROBERTA RITCHE	There is no physical address associated with this property.	7800 ROCKY RIVER RD	Concord, NC 28025
19	55273178100000	LINKER ROBERTA RITCHE	There is no physical address associated with this property.	7800 ROCKY RIVER RD	Concord, NC 28025
20	55273240380000	LINKER ROBERTA RITCHE	There is no physical address associated with this property.	7800 ROCKY RIVER RD	Concord, NC 28025



# Subject Property Map

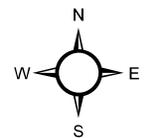
ANX-07-19

Keith Rains

## NE Corner of the Rocky River Rd & Lower Rocky Road Intersection

PINs:

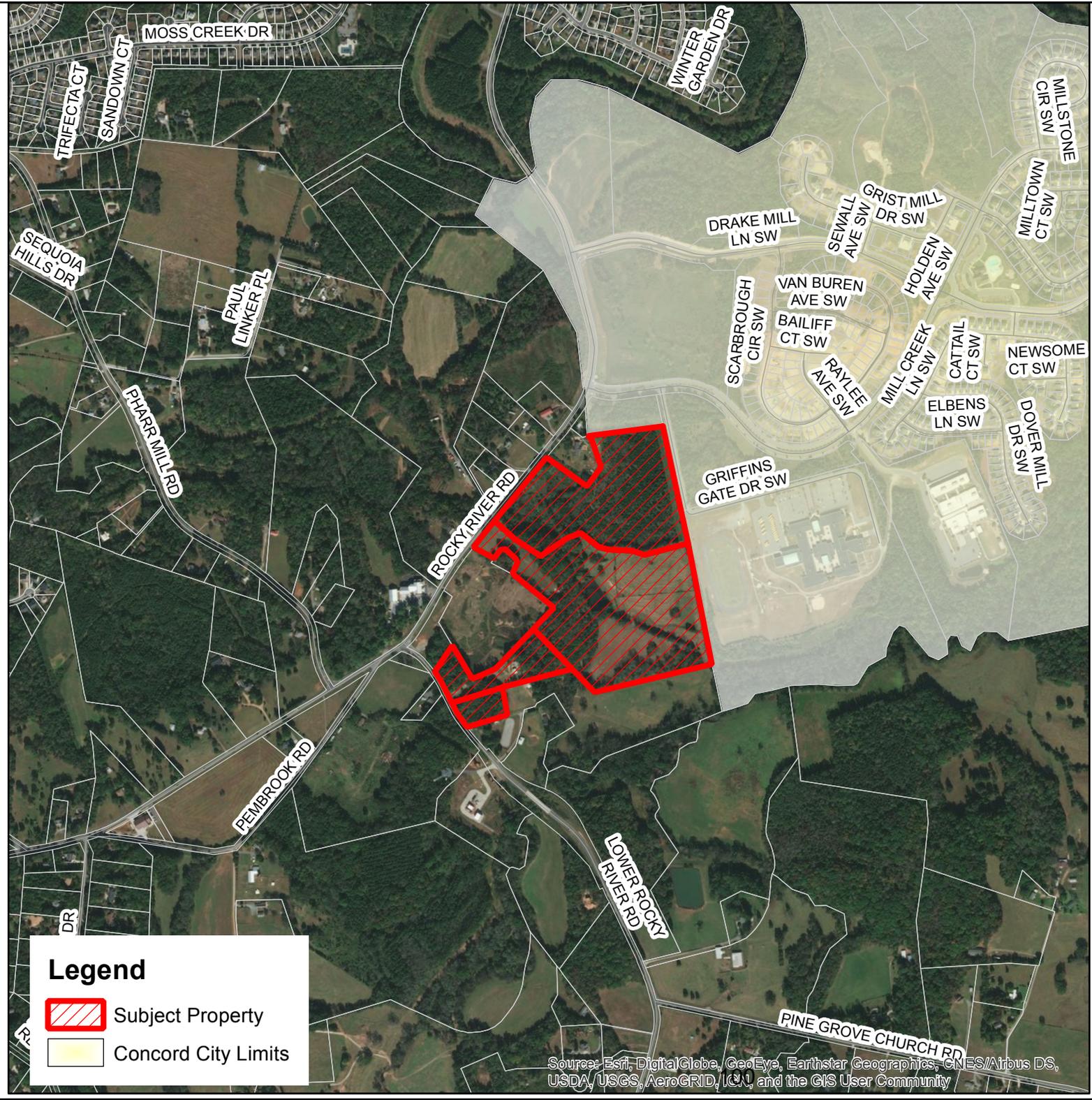
- 5527-41-6442,
- 5527-40-6497,
- 5527-40-1148,
- 5526-39-8913



Source: City of Concord Planning Department

### Disclaimer

These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



### Legend

- Subject Property
- Concord City Limits

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





4401 Old Airport Road  
PO Box 388  
Concord NC 28026-0388

704-262-6252  
704-786-6141 fax

## Lower Rocky River Road Annexation Application

September 20, 2019

Starla Rogers,

Thank you for the opportunity to provide comments concerning the annexation application for Lower Rocky River Road development. It is our understanding this is for a proposed +/- 130 single family detached residential subdivision located at 7785 Rocky River Road near the intersection with Lower Rocky River Road. This property is comprised of (Pins 5527-41-6442, 5527-40-6497, 5527-40-1148, and 5526-39-8913). The total site in this annexation application is 55.88 acres.

The schools currently serving this area are Patriots Elementary School, C. C. Griffin Middle School, and Central Cabarrus High School. If this property is annexed into the City of Concord and receives final plat approval it is projected to add approximately **108 students to the three schools serving this area.** Patriots Elementary Schools is currently **133.41%** program capacity. C. C. Griffin MS is currently at **102.42%** program capacity while Central Cabarrus HS is at **103.20%** program capacity. Please note these percentages do not reflect already approved or pending lots in the Adequate Public Facilities Schools Inventory maintained by the county. When we factor the approved/pending lots from the county inventory **Patriots Elementary School would be at 198.10%** program capacity, **C. C. Griffin Middle School would be at 171.40%** program capacity, and **Central Cabarrus High School would be at 163.18%** program capacity. **Obviously, these percentages will be reduced when the system-wide realignment plan takes effect in 2020-21.**

This realignment plan recently approved by the BOE addresses the rising capacity issue at Patriots Elementary School with the opening of the new Hickory Ridge Road Elementary School in August 2020. In the realignment plan, the Central Cabarrus High School boundary will be shifted with the opening of West Cabarrus High School in August 2020. The realignment plan will shift the area being proposed in this annexation application from Central Cabarrus High School to Hickory Ridge High School. This will lessen the impact this annexation will have on Central Cabarrus but does not eliminate our concerns due to the potential growth in the Hickory Ridge High School attendance area. We are also concerned with our middle school enrollments since it is projected to be 2022 or later before a new middle school site and construction funding is approved.

We respectfully request an opportunity to provide more detailed information should the City of Concord approve this annexation application and prior to final plat approval for the Lower Rocky River Road and Rocky River Road development. This will enable us to provide further

insight into the impact this project will have on Patriots Elementary School, C. C. Griffin Middle School, and Central Cabarrus High School/Hickory Ridge High School.

Again, thanks for the opportunity to share our thoughts concerning the annexation application for the Lower Rocky River Road and Rocky River Road development.

Sincerely,  
Robert  
School Planning

Note: The following reports were used to determine current program capacity and student generation rates:

- The month 9 membership report dated June 13, 2019
- Student generation rates as determined by Davis Demographics in 2017
- Cabarrus County Schools revised Capacity Chart Summary April 2019
- Adequate Public Facilities Schools Inventory dated September 13, 2019

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT 7785  
ROCKY RIVER ROAD, 8041 LOWER ROCKY ROAD, 8063 ROCKY RIVER  
ROAD AND ADDITIONAL UNADDRESSED PARCELS

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by Keith Rains, PE, McKim and Creed, on October 12, 2019 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and a public hearing on the question of this annexation was held at Concord City Hall, 35 Cabarrus Avenue West, on December 12, 2019 after due notice by The Independent Tribune on December 1, 2019; and

WHEREAS, the City Council finds that the petitions meet requirements of G.S. 160A-58.1;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, North Carolina, that:

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the following described territory is hereby annexed and made part of the City of Concord, as of the 12<sup>th</sup> day of December 2019:

Being located in Number 1 Township of Cabarrus County, North Carolina and being more particularly described as follows:

Beginning at a point in the centerline of Rocky River Road having NC Grid Coordinates of N: 571,116.61, E: 1,523,716.96, said point being the northwestern corner of Roberta Gail Ritchie Linker as recorded in DB 11386 PG 198 and runs thence from the point of beginning along the center line of Rocky River Road the following three (3) calls: 1) thence N 38° 54' 42" E 325.60' to a computed point; 2) thence N 38° 54' 42" E 250.79' to a computed point; 3) thence N 37° 58' 41" E 364.66' to a computed point, said point being the southwestern corner of Nao Kha Vang and Dia X. Vang as recorded in DB 6489 PG 117; thence leaving said centerline along the south line of said Vang parcel S 51° 17' 41" E 393.08' to a computed point; thence along the east line of said Vang parcel the following two calls: 1) thence N 38° 40' 12" E 146.00' to a found iron rod; 2) thence N 07° 27' 30" W 215.37' to a computed point (passing a found iron rod at 214.77') and being the northwestern corner of Anne W. Tino as recorded in DB 7074 PG 164; thence along the north line of said Tino parcel N 82° 19' 08" E 499.31' to a found iron rod on the western line of Green Street Land Co. L.L.C. as recorded in DB 13394 PG 152; thence along said west line S 11° 58' 09" E 870.23' to a found iron rod being the northwestern corner of Cabarrus County as recorded in DB 3127 PG 55; thence along the west line of said Cabarrus County tract S 11° 58' 31" E 937.93' to a found iron rod on the east line of said Cabarrus County tract and being the northeastern corner of Bric A. Elswick and Laurie A. Elswick; thence along the north line of said Elswick tract the following five (5) calls: 1) thence S 76° 38' 37" W 906.31' to a found iron rod; 2) thence N 47° 35' 02" W 238.75' to a found iron rod; 3) thence S 75° 06' 12" W 542.95' to a found iron rod; 4) thence S 10° 31' 58" E 208.17' to a found iron rod; 5) S 73° 03' 23" W 331.43' to the centerline of Lower Rocky River Road (passing a found iron rod at 300.49') and being the northwestern corner of said Elswick tract; thence along the centerline of said Lower Rocky River Road the following six (6) calls: 1) thence N 38° 05' 33" W 2.60' to a computed point; 2) thence along a circular curve to the right having a radius of 1093.48', an arch length of 201.98', and a chord bearing and distance of N 33° 52' 46" W 201.70' to a computed point; 3) thence N 27° 12' 42" W 15.60' to a computed point; 4) thence N 27° 12' 42" W 128.28' to a computed point; 5) thence along a circular curve to the left having a radius of

904.13', an arch length of 140.52', and a chord bearing and distance of N 30° 45' 53" W 140.38' to a computed point; 6) thence N 34° 20' 30" W 11.21' to a computed point and being the southwestern corner of Rocky River Presbyterian Church (deed not found); thence leaving said centerline along the south line of Rocky River Presbyterian Church N 47° 48' 10" E 243.63' to an found iron rod being the northeast corner of said Rocky River Presbyterian Church parcel and being on the west line of said Roberta Gail Ritchie Linker parcel; thence with the west line of said tract S 30° 43' 00" E 261.67' to a found iron rod at the southwest corner of said tract; thence along the south line of said Linker tract for the following two (2) calls: 1) thence N 66° 41' 13" E 186.34' to a found iron rod; 2) thence N 43° 29' 25" E 636.80' to a found iron rod being the northeast corner of said tract: thence with the northern line of said tract N 50° 23' 32" W 406.29' to a found iron rod at the southwest corner of Rocky River Presbyterian Church Cemetery (no deed found); thence with three (3) lines of said cemetery the following calls: 1) thence N 31° 05' 01" E 108.86' to a computed point; 2) thence N 47° 44' 53" W 165.00' to a computed point; 3) thence S 36° 48' 27" W 114.70' to a found iron rod being the southwest corner of said cemetery and on the north line of said Linker tract; thence with said north line N 61° 10' 27" W 208.36' to the place of BEGINNING. Said parcel contains 56.83 acres, more or less.

SECTION 2. Upon and after the 12<sup>th</sup> day of December, 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 12<sup>th</sup> day of December 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City  
Attorney



**Planning & Neighborhood Development**  
 35 Cabarrus Avenue, West  
 PO Box 308 Concord, NC 28026  
 Phone: 704-920-5146  
 Email: [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov)

**Petition for Annexation into the Concord City Limits**

<b>Section A</b> Submittal Checklist	
<p><b>Please include all of the following (check off).</b> If any information is missing from the application package, you will be asked to resubmit the petition with all required materials. Please carefully check the list below before you submit:</p>	
<p><b>Required – An incomplete application will delay the annexation process.</b></p>	
X	<p><b>Written metes and bounds description of the property to be annexed.</b> (Must include in application packet <u>and</u> email a Microsoft Word version to <a href="mailto:rogerss@concordnc.gov">rogerss@concordnc.gov</a>). Mark as <b>Exhibit A</b>. Source can be from Survey or Deed.</p>
X	<p><b>Map</b> showing above written metes and bounds description of the property to be annexed <u>in relation to the current city limits</u>. Mark as <b>Exhibit B</b>.</p>
X	<p><b>A Current County Tax Map</b> with parcels included in the annexation request clearly marked. Mark as <b>Exhibit C</b>.  <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a></p>
X	<p><b>Correct Parcel Identification Number(s) (PIN) on second page of application. This is very important.</b> Please indicate if the property to be annexed is only a portion of an existing parcel. <a href="http://gis.cabarruscounty.us/gisdataexplorer/">http://gis.cabarruscounty.us/gisdataexplorer/</a></p>
X	<p><b>Property Owners' Signatures, Date of Signatures, and addresses.</b> See page 3 of this application. <u>All real property owners</u> must sign the application, and such signature <u>must be notarized</u>. An authorized representative must sign on behalf of each legal entity that holds ownership of the property and <u>such representative's signature must be notarized</u>. <u>One signature for each legal ownership interest in the property</u>.</p> <p>Please include signatures of new owners if ownership will change during the annexation process.</p>
X	<p><b>Notary Statements for each signature</b></p>
X	<p><b>General Warranty Deed showing ownership of the property.</b> Petitioners must submit a title opinion or title insurance if a general warranty deed is not available. Upon review, a title opinion may be required in addition to a general warranty deed.</p>
	<p><b>Statement of vested rights claimed, if any.</b></p>
X	<p><b>\$300.00 Application Fee</b></p>
	<p><b>A letter authorizing a developer or agent to handle annexation petition (e.g. withdraw, delay/reactivate petition).</b></p>
X	<p><b>This application form (Sections A, B, C, and D) completed, dated and signed</b> by the property owner(s) and attested <b>submitted by the deadlines noted in section B of this application, page 2.</b></p>
<p><b>Optional, but will assist in the steps following the annexation process</b></p>	
	<p><b>Section E (Supplemental Information)</b></p>
X	<p><b>Copy of any proposed plans, which may include but is not limited to a preliminary site plan or final site plan</b></p>
X	<p><b>Appropriate application(s) for City of Concord Planning &amp; Zoning Commission (Rezoning Petition)</b></p>
X	<p><b>List of Current Adjacent Property Owners</b></p>

**Section B** Submittal Deadlines

Petitions for annexation are accepted by Planning & Neighborhood Development at any time. Find annexation schedule here: <https://www.concordnc.gov/Departments/Planning/Planning-Services/Annexations> **The annexation will become effective immediately upon adoption of the annexation ordinance at the scheduled public hearing unless notified otherwise by the City Clerk.**

(The City reserves the right to make exceptions to this tentative processing schedule for any reason, including when outstanding staff comments need to be addressed.)

**Section C** Summary Information / Metes and Bounds Descriptions

**Development Project Name** Roberta Road ~~Townhomes~~ SFR

**Street Address**  
3133 Roberta Road, 3221 Roberta Road, and 3233 Roberta Road and 3494 Marlboro Dr SW and 3610 Shadowcrest Dr. SW

**Cabarrus County Property Identification Number(s)** list below

<b>P.I.N.</b> 5519-42-4642	<b>P.I.N.</b> 5519-42-3562	<b>P.I.N.</b> 5519-42-2463
<b>P.I.N.</b> 5519-42-5315	<b>P.I.N.</b> 5519-41-6872	<b>P.I.N.</b>

**Acreage of Annexation Site**  
3.36 Ac.

**Annexation site is requesting connection to City of Concord Water**  **and/or Sewer**

**Person to contact if there are questions about the petition**

**Name**  
John Sears

**Address**  
6220 Hudspeth Road, Harrisburg, NC 28207

<b>Phone</b> 704-951-7770	<b>Fax #</b>	<b>Email</b> jsears@prespro.com
------------------------------	--------------	------------------------------------

**Written metes and bounds description of property to be annexed**  
Attach additional sheets if necessary. Petitioners must submit an electronic Microsoft Word version. Petitioners must email an electronic copy to [rogerss@concordnc.gov](mailto:rogerss@concordnc.gov)

**Section D** Annexation Petition

**State of North Carolina, Cabarrus County, Petition of Annexation of Property to the City of Concord, North Carolina**

**Part 1** The undersigned, being all the owners of the real property described in this application (Section C) respectfully request the annexation of said property to the City of Concord, North Carolina. **The petitioners understand and agree that any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners.** The property to be annexed is:

	<b>Contiguous</b> to the present primary corporate limits of the City of Concord, North Carolina, or
X	<b>Satellite (Not Contiguous)</b> to the municipal limits of the City of Concord, and meets all of the requirements for <b>NCGS §160A-58.1(b)</b> . This includes that if any portion of an area of the proposed annexation is part of a subdivision, all of the subdivision must be included.

**Part 2** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S.160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? Yes X No     

If yes, please submit proof that vested rights have been granted by governing board. I hereby declare that my failure to disclose existence of a vested right terminates any vested right previously acquired for this property.

Signed this 28 day of August, 2019 by the owners of the property described in Section C.

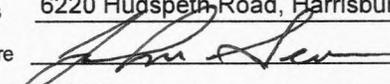
**Owner's Signature(s)**

**Include signatures of new owners if ownership will change during the annexation process.**

**Indicate if owner is signing on behalf of legal entity and in what capacity.**

Print Name ~~Pros Pro, LLC~~ John Sears - Journey Capital, LLC Phone 704-796-7352

Address 6220 Hudspeth Road, Harrisburg, NC 28207

Signature  Date 8-28-19

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Print Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**A notary statement must be completely filled out for each signature.**

PETITION MUST BE NOTARIZED

State of: North Carolina  
County of: Cabarrus

**Use this section for individual landowners.**

I, AS [Notary's Name], a Notary Public for said County and State, do hereby certify that the landowner, \_\_\_\_\_ [Name of Landowner], as stated on the annexation petition, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

**Use this section for all land owners that are not individuals, such as (without limitation) corporate land owners, properties held in an estate, properties held in trust, etc.**

I, Amanda Seward-Chavis [Notary's Name], a Notary Public for said County and State, do hereby certify that John Sears [Representative for Landowner], a duly authorized representative for Journey Capital, LLC [Landowner], mentioned on the annexation petition as the landowner, personally came before me this day and acknowledged that he is a member [Title] of said land owner, and acknowledged on behalf of said landowner, the due execution of the foregoing instrument.

**Use this section for all individual landowners that are having a Power-of-Attorney execute the Annexation Request.**

I, \_\_\_\_\_ [Notary's Name], a Notary Public for Said County and State, do hereby certify that, \_\_\_\_\_ [Attorney-In-Fact's Name], Attorney-in-Fact for \_\_\_\_\_, [Name of Landowner(s)] personally appeared before me this day, and being by me duly sworn, say that he/she executed the foregoing and annexed instrument for and on behalf of said Landowner(s) and that his/her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the office of the Register of Deeds in the County of \_\_\_\_\_, State of \_\_\_\_\_, [County & State of Recording Office] on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, [Date of Recording of the Document] and that this instrument was executed under and by virtue of the authority given by said instrument granting him power of attorney. I further certify that the said Attorney-In-Fact acknowledged the due execution of the foregoing instrument for the purposes therein expressed for and on behalf of said Landowners.

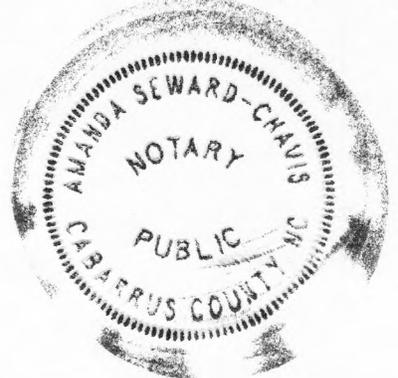
Witness my hand and official seal this 29<sup>th</sup> day of Aug, 2019

A. Seward-Chavis  
Notary Public

My commission expires 01/21/2023

[SEAL of Notary Public]

Notary's Stamp:



**Section E** Supplemental Information

In order for the City of Concord to better serve annexation areas, now and in the future, the City requests the following information from you. Please give your best estimates where they are needed. Contact information for relative City Departments can be found at the end of the worksheet. Please indicate 'N/A' for questions on which you have no information.

<b>Acreage of Area</b>										3.36 Ac				
<b>Current Population of Area</b>										0				
<b>Current Zoning of Area</b>										MDR				
<b>Desired City Zoning of Area</b>										RV-CU				
<b>Proposed Use (i.e. residential, commercial, or industrial)</b>										residential				
<b>Estimated Total Value of Residential Units for the Proposed Development</b>														
<b>Total Proposed Number of Dwelling Units</b>										12				
<b>Type of Proposed Dwelling Units</b> (Single Family Detached, Single Family Attached, Multi-Family)										Single Family Detached				
Year 1	12	Year 2		Year 3		Year 4		Year 5						
<b>Estimated Total Value of Business Units for the Entire Proposed Development</b>										n/a				
<b>Commercial Value</b>		n/a			<b>Industrial Value</b>			n/a		<b>Other (not-for-profit) Value</b>		n/a		
<b>Proposed Number of Commercial</b>										0				
Year 1		Year 2		Year 3		Year 4		Year 5						
<b>Proposed Number of Industrial</b>										0				
Year 1		Year 2		Year 3		Year 4		Year 5						
<b>Proposed Number of Other (not-for-profit)?</b>										0				
Year 1		Year 2		Year 3		Year 4		Year 5						

**Section E (continued)** Supplemental Information

<b>Street Information</b>									
<b>Proposed total linear mileage of roadway installed</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Proposed total number of non-state maintained street miles</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	

<b>Water Information</b>									
<b>Typical water service(s) (i.e. 3/4", 1", etc.)</b>					1-in				
<b>Number of services installed by developer (by service type)</b>					12				
Year 1	12	Year 2		Year 3		Year 4		Year 5	
<b>Number of services requested (by service type)</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Typical irrigation meter size(s) to be installed (i.e. 3/4", 1", etc.)</b>					0				
<b>Number of Services Requested</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Estimated Mileage of Water Pipe Needed</b>					0.05				
Year 1	0.05	Year 2		Year 3		Year 4		Year 5	

<b>Sewer Information</b>									
<b>Typical sewer service(s) (i.e. 4", 6", 8" etc.)</b>					4-in				
<b>Number of services installed by developer (by service type)</b>					12				
Year 1	12	Year 2		Year 3		Year 4		Year 5	
<b>Number of services requested (by service type)</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Estimated Mileage of Water Pipe Needed</b>					0.05				
Year 1	0.05	Year 2		Year 3		Year 4		Year 5	

**Section E (continued) Supplemental Information**

<b>Solid Waste Data</b>									
<b>Number of Rollouts needed for Multi-Family Units</b>									
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units using City rollout collection</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units needing corrugated (cardboard) recycling</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	
<b>Number of commercial units needing white paper pick-up (recycling)</b>					0				
Year 1		Year 2		Year 3		Year 4		Year 5	

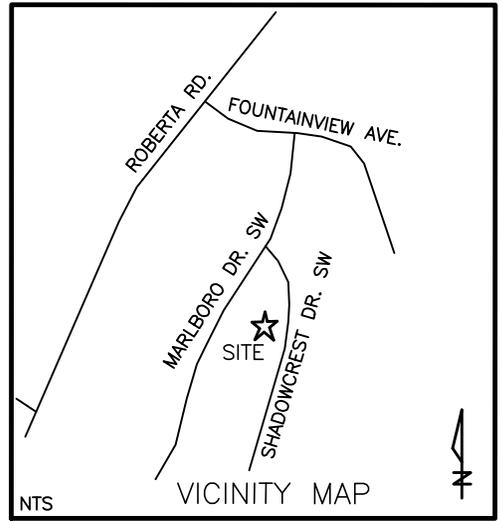
**PLEASE SUBMIT ANY SKETCH PLANS OR PRELIMINARY PLATS THAT YOU MAY CURRENTLY HAVE FOR YOUR PROJECT.**

- City Contact Information
- Planning and Neighborhood Development      704-920-5146
  - Water Resources Director                            704-920-5343
  - Director of Electric Services                      704-920-5301
  - Director of Engineering                            704-920-5401
  - Solid Waste Manager                                704-920-5351
  - Fire Chief    704-920-5536
  - Police Chief    704-920-5000
  - Transportation                                        704-920-5362
  - Legal    704-920-5114

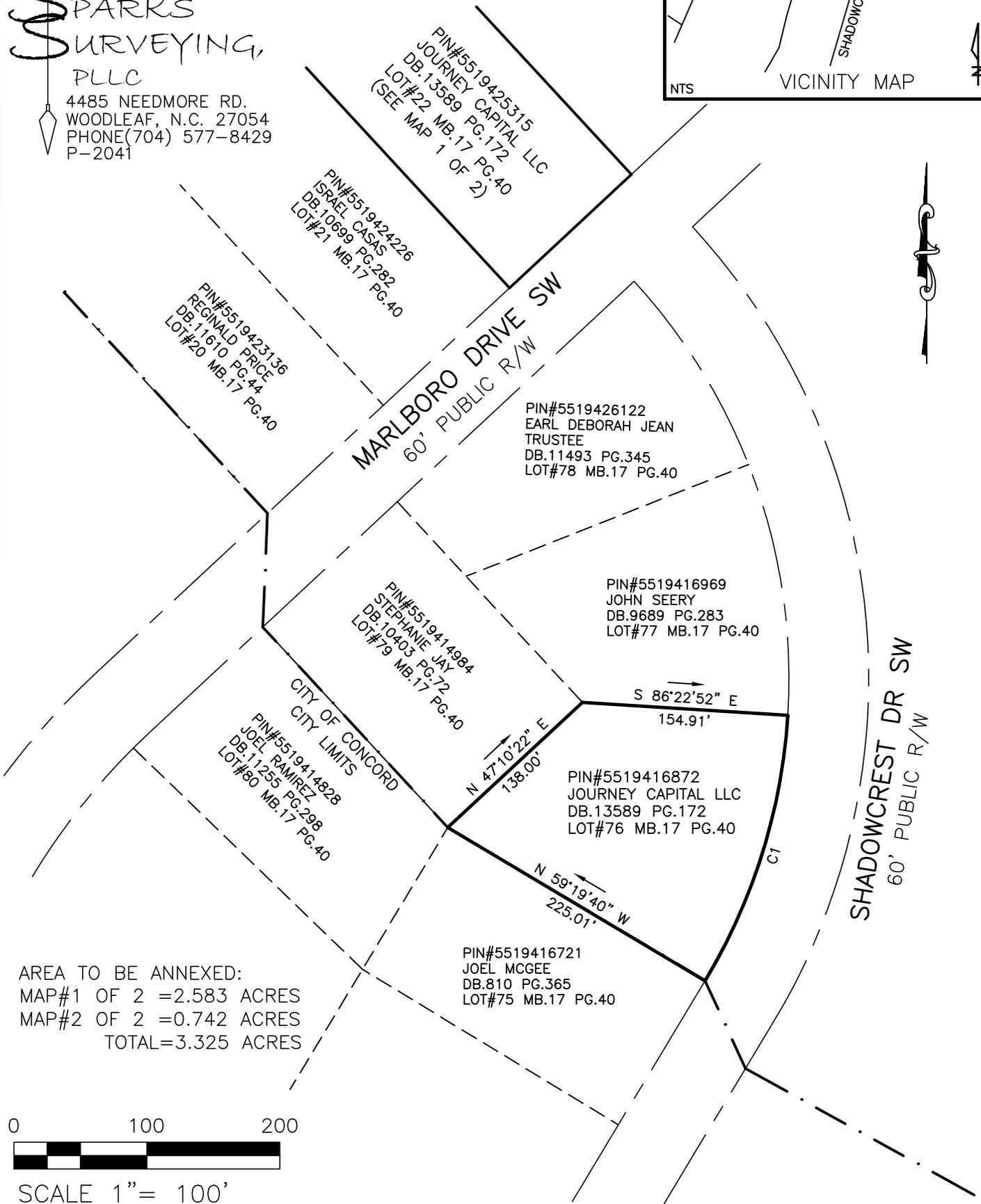
NOTES:

1. Property may be subject to recorded or unrecorded easements
2. Area by deed from Cabarrus County Public Records, NO FIELD VERIFICATION HAS BEEN PERFORMED.
3. THIS IS NOT AN ACTUAL FIELD SURVEY
4. THE PUPOSE OF THIS MAP IS TO SHOW PROPOSED ANNEXATION ONLY
5. PRELIMINARY- NOT FOR SALES OR CONVEYANCES OR RECORDATION

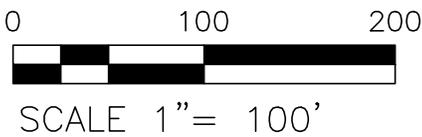
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	210.36'	437.53'	27°32'52"	S 17°23'36" W	208.34'



**SPARKS**  
**SURVEYING,**  
 PLLC  
 4485 NEEDMORE RD.  
 WOODLEAF, N.C. 27054  
 PHONE (704) 577-8429  
 P-2041



AREA TO BE ANNEXED:  
 MAP#1 OF 2 =2.583 ACRES  
 MAP#2 OF 2 =0.742 ACRES  
 TOTAL=3.325 ACRES



PROPOSED ANNEXATION  
 OF  
 JOURNEY CAPITAL LLC  
 PROPERTY

9/15/2019

NO.2 TWP. CABARRUS COUNTY, N.C.

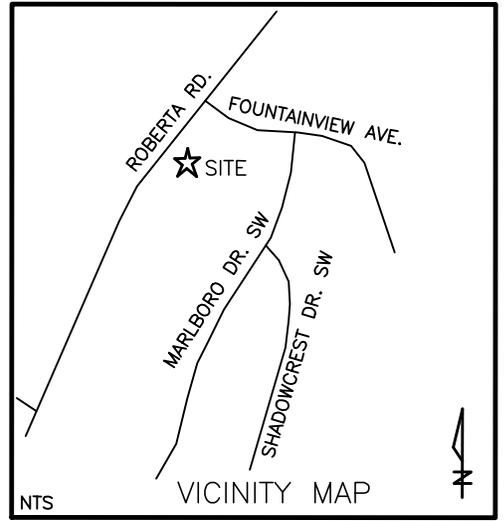
MAP 2 OF 2

NOTES:

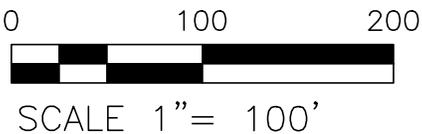
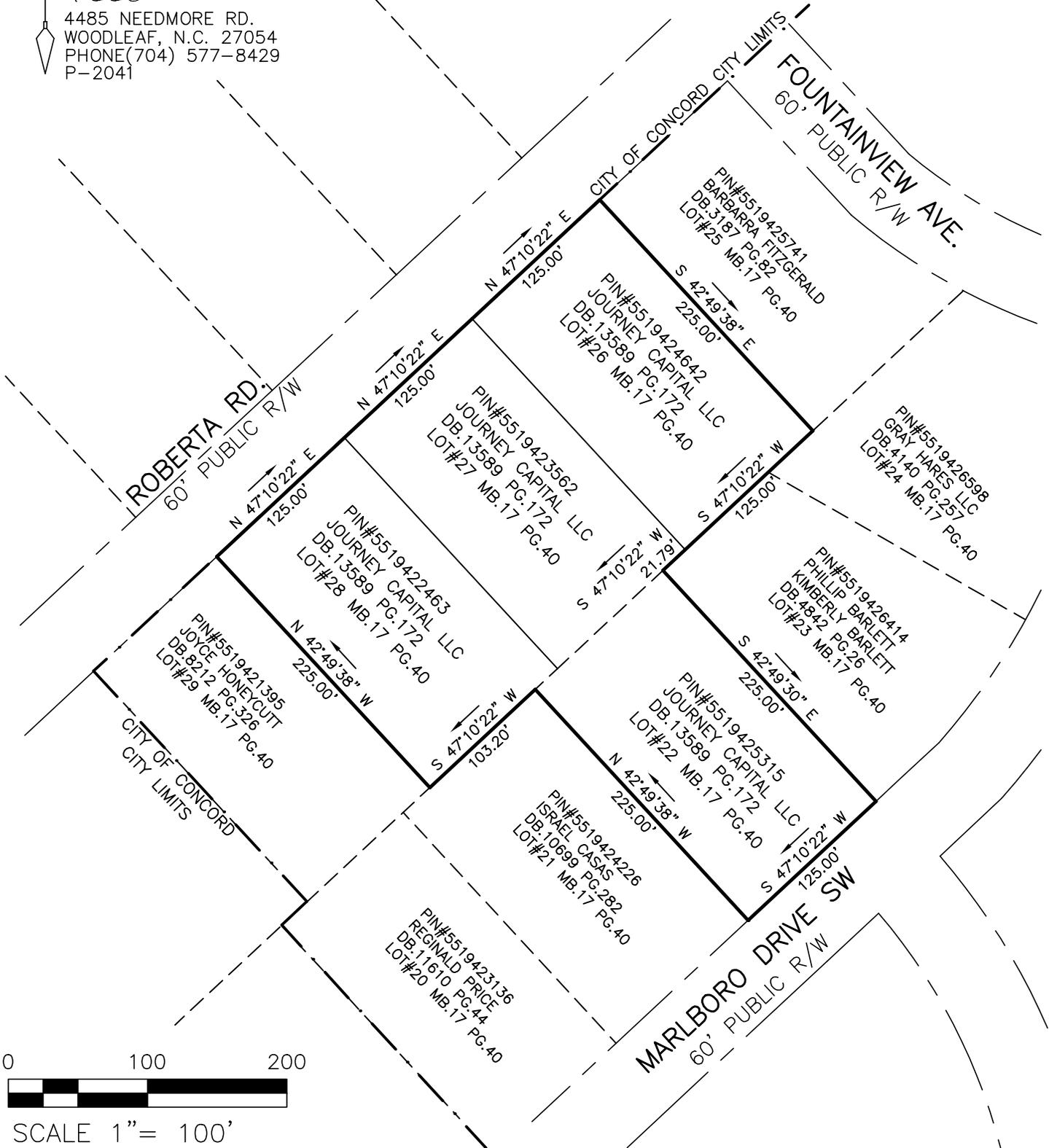
1. Property may be subject to recorded or unrecorded easements
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5. PRELIMINARY- NOT FOR SALES OR CONVEYANCES OR RECORDATION

AREA TO BE ANNEXED:

MAP#1 OF 2 =2.583 ACRES  
 MAP#2 OF 2 =0.742 ACRES  
 TOTAL=3.325 ACRES



**SPARKS**  
**SURVEYING,**  
 PLLC  
 4485 NEEDMORE RD.  
 WOODLEAF, N.C. 27054  
 PHONE(704) 577-8429  
 P-2041

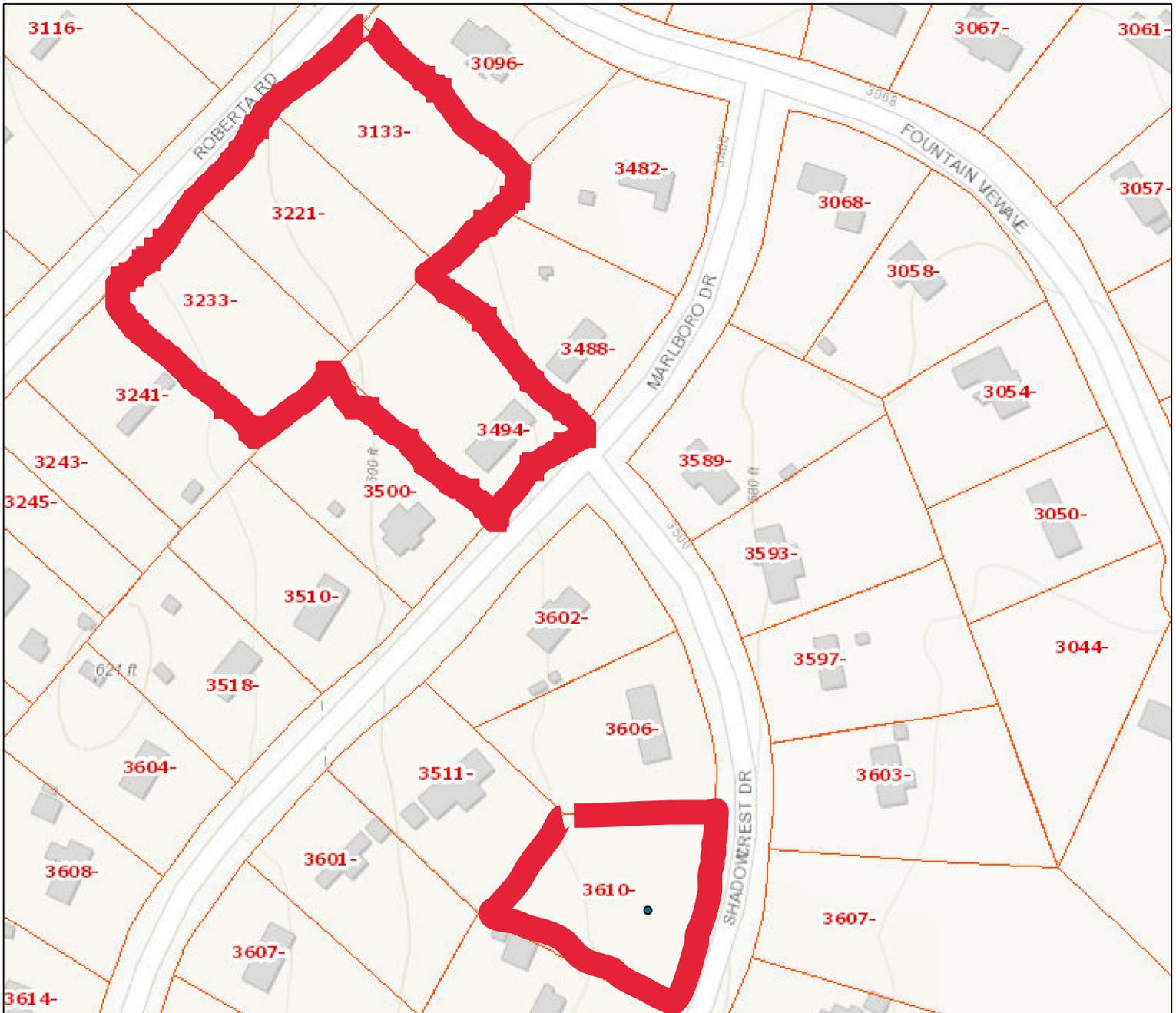


PROPOSED ANNEXATION  
 OF  
**JOURNEY CAPITAL LLC**  
 PROPERTY

9/15/2019

NO.2 TWP. CABARRUS COUNTY, N.C.

MAP 1 OF 2



**Property Real ID** 02-036 -0024.80  
**Physical Address:** 3610 SHADOWCREST DR SW CONCORD NC 28027  
**Owner Name 1:** JOURNEY CAPITAL LLC  
**Owner Name 2:**  
**Mailing Address:** 6220 HUDSPETH RD  
**Mail City:** HARRISBURG  
**Mail State:** NC  
**Mail Zip:** 28075

**Parcel PIN** 55194168720000  
**Land Units** 1  
**Land Units Type** LT  
**Land Value** 25500  
**Building Value** 0  
**Assessed Value** 25500  
**Market Value** 25500

Cabarrus County shall not be held liable for any errors in the data represented on this record. This includes errors of omission, commission, concerning the content of the data, and relative positional accuracy of the data. The data cannot be construed to be a legal document. Primary sources from which this data was compiled must be consulted for verification of information represented on this map document.

Map Created By Cabarrus County IT Department  
 Data Sources: Cabarrus County Land Records

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

1:2,257

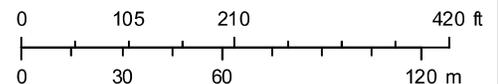


Exhibit A

(Map 1 of 2)

Physical Address:

3233 Roberta Rd. Concord N.C. 28027, pin#5519422463

3221 Roberta RD. Concord N.C. 28027, pin#5519423562

3494 Marlboro Dr. SW Concord N.C. 28027, pin#5519425315

All that tract and parcel of land situated and lying in No.2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lots 22,26,27 & 28 as shown on the Map drawn by Keith R. Moen entitled " WOLF MEADOW ACRES , SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at a point on the southern right of way of Roberta Rd. at the common corner of Lot#25 and Lot#26, being located S47°10'22"W a distance of 125.00' from the southern intersection of the right of way Fountainview Ave. and Roberta Rd. , thence along the common property line of lot#25 and lot#26 S42°49'38"E a distance of 225.00' to a point; thence along the rear property line of lot#26 S47°10'22"W a distance of 125.00' to a point, common corner of lot#26 and lot#27; thence along the rear property line of lot#27 S47°10'22"W a distance of 21.79' to a point, common corner of lot#23 and lot#22 ; thence along the common property line of lot#23 and lot#22 S42°49'30"E a distance of 225.00" to a point, common corner of lot#23 & lot#22 on the right of way of Marlboro Dr SW., thence with the right of way of Marlboro Dr. SW S47°10'22"W a distance of 125.00' to a point, being the common property corner of lot#22 and lot#21, thence N42°49'38"W a distance of 225.00' to a point, being the common property corner of lot# 21 and lot#22, thence S47°10'22"W a distance of 103.20' to a point, being the common property corner of lot#28 and lot#29; thence along the common property line of lot#28 and lot#29 N42°49'38"W a distance of 225.00' to a point, being the common property corner of lot#28 and lot#29; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point , being the common property corner of lot#28 and lot#27; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point, being the common property corner of lot#26 and lot#27; thence along the southern right of way of Roberta Rd. N47°10'22"E a distance of 125.00' to a point; which is the point of beginning, having an area of 112,501 square feet, 2.583 acres.

(Map 2 of 2)

Physical Address:

3160 Shadowcrest DR SW Concord NC 28027, pin#5519416872

All that tract and parcel of land situated and lying in No.2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lot 76 as shown on the Map drawn by Keith R. Moen entitled " WOLF MEADOW ACRES , SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at a point on the northern right of way of Shadowcrest Dr SW. at the common corner of Lot#75 and Lot#76, , thence along the common property line of lot#75 and lot#76 N59°19'40"W a distance of 225.01' to a point; common corner of lot#75, lot#76, lot#79 and lot#80 ,thence N47°10'22"E a distance of 138.00' to a point; being the common corner of lot#76, lot#77 and lot#79, thence S86°22'52"E a distance of 154.91' to a point on the right of way of Shadowcrest Dr SW; being the common corner of lot#76 and lot#77 ,thence with the right of way of Shaowcrest Dr SW a curve turning to the right with an arc length of 210.36', with a radius of 437.53', with a chord bearing of S17°23'36"W, with a chord length of 208.34',; which is the point of beginning, having an area of 32312.09square feet,0.742acres.

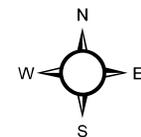


# Subject Property Map

ANX-08-19

PresPro  
Custom Homes

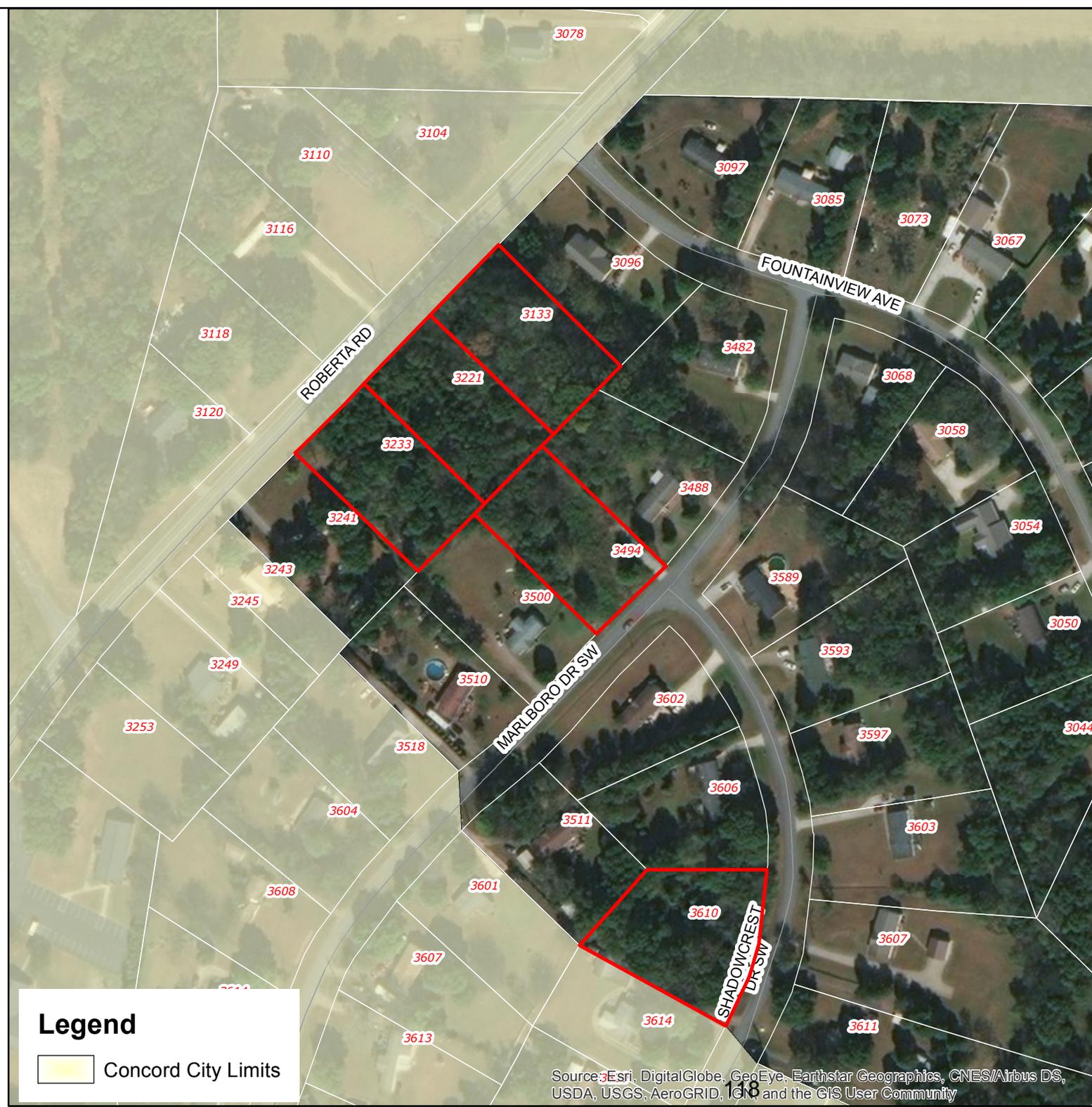
3133, 3221, &  
3233 Roberta Rd  
and  
3494 Marlboro Dr SW  
and  
3610 Shadowcrest  
Dr SW



Source: City of Concord  
Planning Department

### Disclaimer

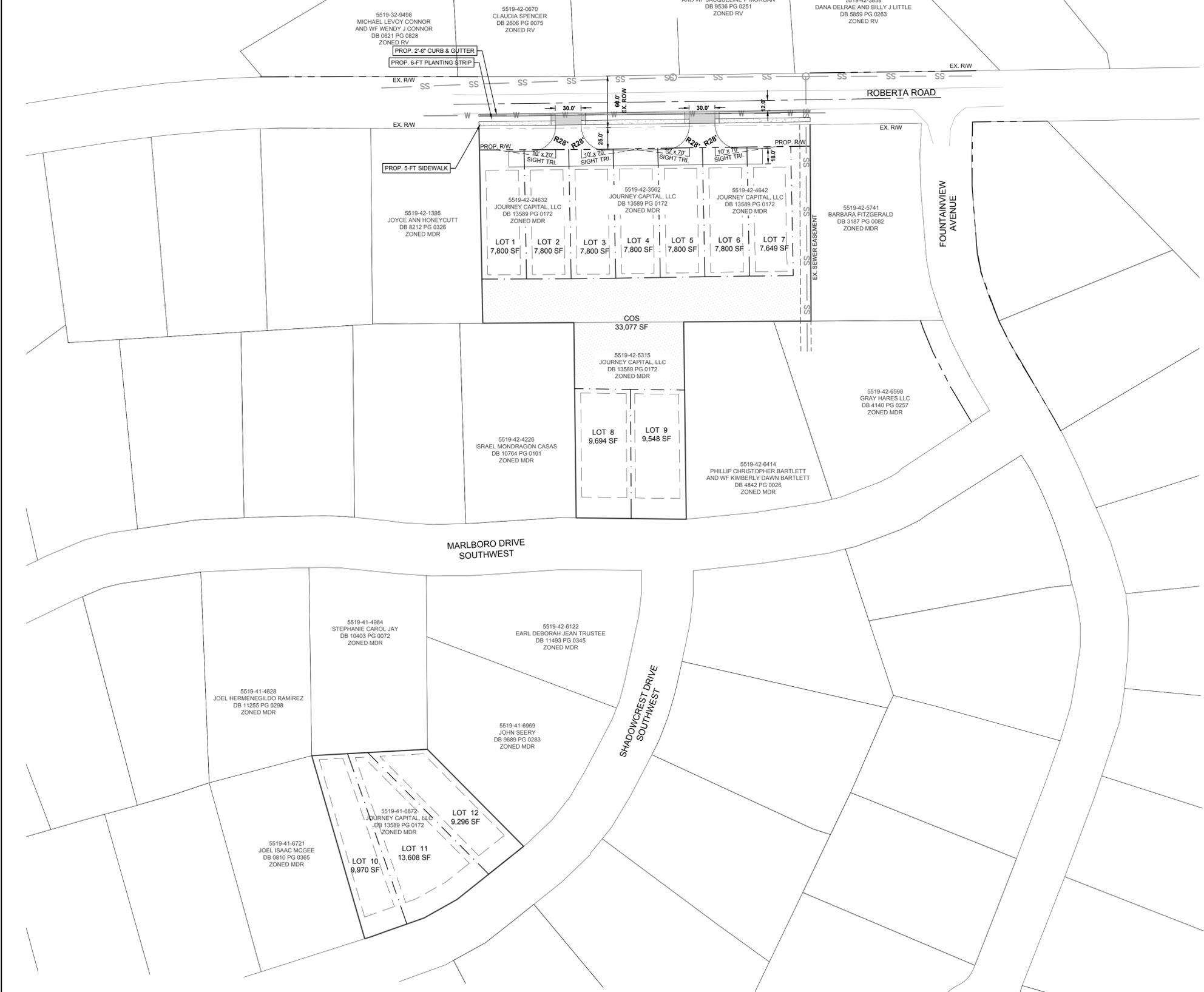
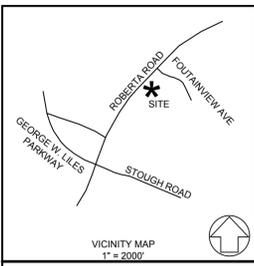
These maps and products are designed for general reference only and data contained herein is subject to change. The City Of Concord, it's employees or agents make no warranty of merchantability or fitness for any purpose, expressed or implied, and assume no legal responsibility for the information contained therein. Data used is from multiple sources with various scales and accuracy. Additional research such as field surveys may be necessary to determine actual conditions.



**Legend**

 Concord City Limits

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



**DEVELOPER:**  
 PRESPRO, LLC  
 6220 HUDSPETH ROAD  
 HARRISBURG, NC 28207

**CONTACT:**  
 JOSH COLLINS  
 704-951-7770  
 JOSH@PRESPRO.COM

**SITE INFORMATION:**  
 PROPOSED 12 SINGLE FAMILY UNITS  
 EX. 5 LOTS TO BE ANNEXED AND SUBDIVIDED TO 12 LOTS

**PID:**  
 5519-42-4642 = 0.646 AC.  
 5519-42-3562 = 0.646 AC.  
 5519-42-2483 = 0.646 AC.  
 5519-42-5315 = 0.67 AC.  
 5519-41-6872 = 0.75 AC.

**TOTAL:** 3.358 AC.

**CURRENT ZONING:** MDR (MEDIUM DENSITY RESIDENTIAL)  
 CABARRUS COUNTY

**PROPOSED ZONED:** CU-RV (CONDITIONAL USE - RESIDENTIAL VILLAGE)

**DENSITY = 8 UNITS PER ACRE**  
 DENSITY PROVIDED = 3.6 UNITS PER ACRE  
 MAXIMUM IMPERVIOUS = 50%

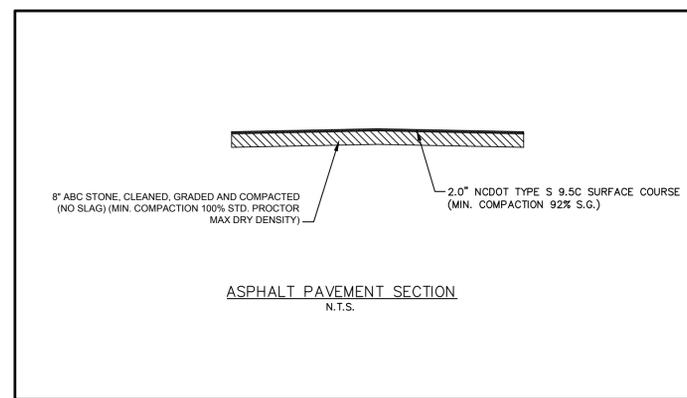
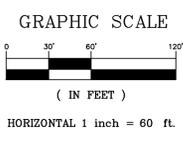
**COMMON OPEN SPACE REQUIRED:** 10%  
 COMMON OPEN SPACE PROVIDED: 22.6%  
 (33,067 SF / 146,274.48 SF) \* 100 = 22.6%

**FRONT SETBACK:** 20 FT  
**SIDE SETBACK:** 7 FT  
**REAR SETBACK:** 5 FT

**WATERSHED DATA:**  
 NOT IN A WATER SUPPLY WATERSHED.

**FLOOD DATA:**  
 THE SITE IS WITHIN ZONE "X" ACCORDING TO THE FEMA FLOOD MAP 3710561400K DATED NOVEMBER 16, 2018.

**UTILITIES:**  
 WATER - PUBLIC WATER  
 SEWER - PUBLIC SEWER  
 TRASH - ROLL OUT CONTAINERS



**BLUESTONE LAND MANAGEMENT, PLLC**

470 NORTH ROAD STREET, SUITE A  
 MOORESVILLE, NC 28145  
 (704) 649-8869  
 bluestonelandmanagement.com  
 NC License #: P-1414



NO.	DATE	BY	REVISION
1	8/27/19	JAC	REVISED TOWNHOMES TO SINGLE FAMILY LOTS
2	10/22/19	JAC	ADDED COMMON OPEN SPACE
3	10/29/19	JAC	ADDED DRIVE ON ROBERTA ROAD PARCELS
4	11/15/19	JAC	REVISED DRIVE WIDTHS TO 30 FT

**ROBERTA ROAD SF Homes**

CONCORD, NORTH CAROLINA

**PRESPRO, LLC**  
 6220 HUDSPETH ROAD  
 HARRISBURG, NC 28207

PROJECT #: 2019-0008 DATE: 5/13/19  
 DRAWN BY: JAC CHECKED BY: JAC

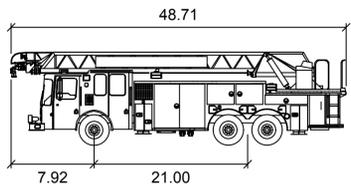
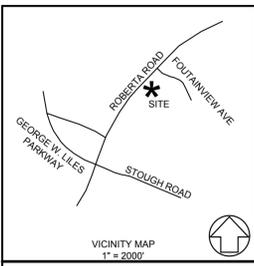
**TITLE**  
 SITE PLAN

**SHEET**  
 SK-1



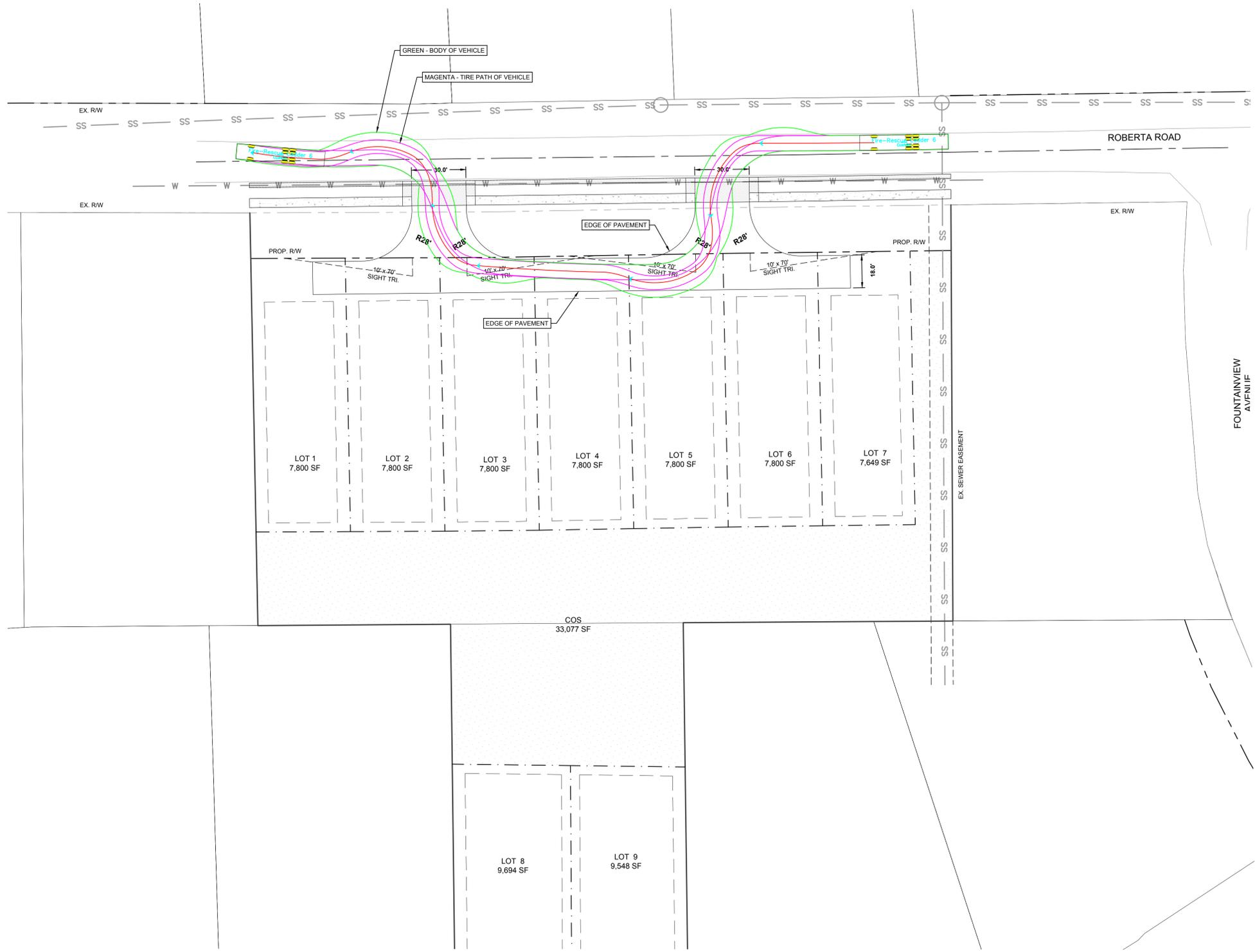
- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC., AS NECESSARY TO INSURE SAFETY.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND LOCAL MUNICIPALITIES.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.

Z:\BLU\Projects\2019\0008-Roberta Road Townhomes-PrepPro\CADD\References\Layout-Roberta.dwg DATE



Fire-Rescue Ladder 6

feet	
Width	: 8.33
Track	: 8.33
Lock to Lock Time	: 6.0
Steering Angle	: 45.0



GRAPHIC SCALE  
 0 15' 30' 60'  
 ( IN FEET )  
 HORIZONTAL 1 inch = 30 ft.

**BLUESTONE**  
 LAND MANAGEMENT, PLLC  
 470 NORTH BRAD STREET, SUITE A  
 MOORESVILLE, NC 28145  
 (704) 649-9869  
 bluestonelandmanagement.com  
 NC License #: P-1444



NO.	DATE	BY	REVISION
1	11/15/19	JAC	ADDED FIRE TRUCK ROUTING

**ROBERTA ROAD TOWNHOMES**  
 CONCORD, NORTH CAROLINA  
**PREPRO, LLC**  
 6500 HUDSPETH ROAD  
 HARRISBURG, NC 28075  
ANY REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR PERMISSION FROM BLUESTONE LAND MANAGEMENT, PLLC IS EXPRESSLY PROHIBITED.

PROJECT #: 2019-0008 DATE: 5/13/19  
 DRAWN BY: JAC CHECKED BY: JAC  
 TITLE  
**AUTOTURN PLAN**  
 SHEET  
**SK-2**



- CONTRACTOR IS FULLY RESPONSIBLE FOR CONTACTING APPROPRIATE PARTIES AND ASSURING THAT EXISTING UTILITIES ARE LOCATED PRIOR TO BEGINNING CONSTRUCTION.
- CONTRACTOR IS RESPONSIBLE FOR PLACING BARRICADES USING FLAG MEN, ETC., AS NECESSARY TO INSURE SAFETY.
- ALL PAVEMENT CUTS, CONCRETE OR ASPHALT, ARE TO BE REPLACED ACCORDING TO STANDARDS OF THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND LOCAL MUNICIPALITIES.
- SHORING WILL BE ACCORDING TO OSHA TRENCHING STANDARDS PART 1926 SUBPART P, OR AS AMENDED.

Z:\BLU\Projects\2019\2019-0008-Roberta Road Townhomes-PrePro\CADD\References\Layout-Roberta.dwg CARTE

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF  
CONCORD, NORTH CAROLINA TO INCLUDE PROPERTY LOCATED AT  
3133, 3221, 3233 ROBERTA ROAD, 3494 MARLBORO DR SW AND 3610  
SHADOWCREST DR SW, CONCORD, NC

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 by  
Josh Collins on December 12, 2019 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to  
investigate the sufficiency of the petitions; and

WHEREAS, the City Clerk has certified the sufficiency of the petitions and  
a public hearing on the question of this annexation was held at Concord City Hall,  
35 Cabarrus Avenue West, on December 12, 2019 after due notice by The  
Independent Tribune on December 1, 2019; and

WHEREAS, the City Council finds that the petitions meet requirements of  
G.S. 160A-58.1;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of  
Concord, North Carolina, that:

SECTION 1. By virtue of the authority granted by G.S. 160A-58.1, the  
following described territory is hereby annexed and made part of the City of  
Concord, as of the 12<sup>th</sup> day of December 2019:

Physical Address:

3133 Roberta Road, PIN# 5519-42-4642

3233 Roberta Road, PIN# 5519-42-2463

3221 Roberta Road, PIN# 5519-42-3562

3494 Marlboro Dr. SW PIN# 5519-42-5315

All that tract and parcel of land situated and lying in No. 2 Township, Cabarrus  
County, North Carolina and being more particularly described as follows:

Being all of Lots 22, 26, 27 & 28 as shown on the Map drawn by Keith R.  
Moen entitled "WOLF MEADOWACRES, SECTION 2" dated June 19,  
1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the  
Cabarrus County Public Registry.

Beginning at the point on the southern right of way of Roberta Rd. at the  
common corner of Lot #25 and Lot #26, being located S47 degrees 10'22"W a  
distance of 125.00' from the southern intersection of the right of way  
Fountainview Ave. and Roberta Rd., thence along the common property line of  
Lot #25 and lot #26 S42 degrees 49'38" E a distance of 225.00' to a point;  
thence along the rear property line of lot #26 S47 degrees 10'22" W a distance  
of 125.00' to a point, common corner of lot #26 and lot #27; thence along the  
rear property line of lot #27 S47 degrees 10'22" W a distance of 21.79' to a  
point, common corner of lot #23 and lot #22; thence along the common  
property line of lot #23 and lot #22 S42 degrees 49'30" E a distance of 225.00'  
to a point, common corner of lot #23 & lot #22 on the right of way of Marlboro  
Dr SW., thence with the right of way of Marlboro Dr. SW S47 degrees 10'22"W  
a distance of 125.00' to a point, being the common property corner of lot #22  
and lot @21, thence N42 degrees 49'38" W a distance of 225.00' to a point,  
being the common property corner of lot #21 and lot #22, thence S47 degrees  
10'22"W a distance of 103.20' to a point, being the common property corner of  
lot #28 and lot #29; thence along the common property line of lot #28 and lot  
#29 N42 degrees 49'28"W a distance of 225.00' to a point, being the common  
property corner of lot #28 and lot #29; thence along the southern right of way  
of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point, being the  
common property corner of lot #28 and lot #27; thence along the southern right  
of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point,

being the common property corner of lot #26 and lot #27; thence along the southern right of way of Roberta Rd. N47 degrees 10'22"E a distance of 125.00' to a point; which is the point of beginning, having and area of 112,501 square feet, 2.583 acres.

Physical Address:  
3160 Shadowcrest Dr SW PIN# 5519-41-6872

All that tract and parcel of land situated and lying in No. 2 Township, Cabarrus County, North Carolina and being more particularly described as follows:

Being all of Lot 76 as shown on the Map drawn by Keith R. Moen entitled "WOLF MEADOW ACRES, SECTION 2" dated June 19, 1978 and recorded on March 23, 1978 in Map Book 17, Page 40 in the Cabarrus County Public Registry.

Beginning at a point on the northern right of way of Shadowcrest Dr SW. at the common corner of Lot #75 and Lot#76, thence along the common property line of lot #75 and lot #76 N59 degrees 19'40" W a distance of 125.01' to a point; common corner of lot #75, lot #76, lot #79 and lot #80, thence N47 degrees 10'22" E a distance of 138.00' to a point; being the common corner of lot #76, lot #77 and lot #79, thence S86 degrees 22'52" E a distance of 154.91' to a point on the right of way of Shadowcrest Dr SW; being the common corner of lot #76 and lot #77, thence with the right of way of Shadowcrest Dr SW a curve turning to the right with an arc length of 210.36', with a radius of 437.53', with a chord bearing of S17 degrees 23'36" W, with a chord length of 208.34'; which is the point of beginning, having an area of 32,312.09 square feet, 0.742 acres.

SECTION 2. Upon and after the 12<sup>th</sup> day of September, 2019 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Concord and shall be entitled to the same privileges and benefits as other parts of the City of Concord. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

SECTION 3. The Mayor of the City of Concord shall cause to be recorded in the office of the Register of Deeds of Cabarrus County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections, as required by G.S. 163-288.1.

SECTION 4. Notice of adoption of this ordinance shall be published once, following the effective date of annexation, in a newspaper having general circulation in the City of Concord.

Adopted this 12<sup>th</sup> day of December 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

Kim Deason, City Clerk

VaLerie Kolczynski, City  
Attorney





# Southeastern Consulting Engineers, Inc.

October 31, 2019

Mr. Bob Pate  
Director of Electric Systems  
City of Concord  
P.O. Box 308  
Concord, North Carolina 28026-0308

Ref.: Delivery #1 – Sale of Surplus Generators

Dear Bob:

The City of Concord held a publicly advertised bid opening for the sale of 8 surplus generators and associated equipment on October 29<sup>th</sup> at 1:30 p.m. The generators were installed in 1992 and are no longer required under the City's new Purchase Power Agreement.

Two proposals were received and a bid tabulation is enclosed. The highest bid was submitted by KTF Contractor Services, LLC located in Winston Salem, NC in the amount of \$50,100.00. In addition to the sale of the generators, the bid documents require the successful bidder to remove the generators, radiators, switchgear, fuel/oil tanks, fuel piping, and louvers. Once all the equipment is removed the Contractor will be required to repair and patch any openings in the building.

We believe this is a fair price due to the age of the generators and the work required to remove the generators and associated equipment. Therefore, we recommend that the City accept KTF's proposal and move forward with the sale of the generators.

If you have any question or need any additional information, please do not hesitate to contact us.

Very truly yours,

SOUTHEASTERN CONSULTING ENGINEERS, INC.

By \_\_\_\_\_

Jerry L. Ford, Jr., P.E.  
Senior Design Engineer

JLF/lc

**BID TABULATION**

**Purchase of Eight (8) Surplus Generators and Equipment**

City of Concord  
Concord, North Carolina

Date: October 29, 2019  
Time: 1:30 PM, EDST

<u>Bidder</u>	<u>KTF Contractors Services</u>	<u>DH Griffin</u>	<u>_____</u>	<u>_____</u>
Purchase of eight (8) Caterpillar 3516 - 1600kW Diesel Generators including: <ul style="list-style-type: none"><li>• Removal of all connected equipment</li><li>• Repair/patch penetrations in building with like material</li></ul>	\$ <u>50,100.00</u>	\$ <u>38,100.00</u>	\$ <u>_____</u>	\$ <u>_____</u>

RESOLUTION AUTHORIZING THE SALE OF CITY OF CONCORD SURPLUS  
PERSONAL PROPERTY TO KTF CONTRACTOR SERVICES LLC.

WHEREAS, the City of Concord owns certain personal property described as:  
Eight (8) Caterpillar 3516 Diesel Generators (the "Property"); and

WHEREAS, the Property is located at Electric Generation Plant #1, Florence Ave.

WHEREAS, the City has no use for the Property; and

WHEREAS, sealed bids were received for the purchase of all eight (8) generators  
as one lot; and

WHEREAS, North Carolina General Statute §160A-265 allows cities to dispose of  
any personal property including supplies, materials, and equipment, that the governing  
board deems to be surplus, obsolete, or unused.

NOW THEREFORE, BE IT RESOLVED, that the City of Concord City Council does  
hereby declare that:

1. The Property herein described is surplus to the needs of the City;
2. The Property shall be sold to KTF Contractor Services LLC. in accordance with  
N.C. General Statutes §160A-265; and
3. The City Manager is authorized to execute the necessary documents to  
achieve this donation.

Adopted this 12th day of December 2019

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

---

William C. Dusch, Mayor

ATTEST: \_\_\_\_\_  
Kim Deason, City Clerk



## CCOG Board of Delegates

### Board of Delegates Key Facts & Responsibilities

- **Who?** Each member government appoints an elected official to serve on the Board of Delegates and another elected official to serve as an Alternate to attend meetings in the Delegate's absence.
- **Why?** The Board of Delegates is the governing and decision-making body for the CCOG. The Board approves the organization's policies, budget, and goals.
- **When?** The Board of Delegates meets four times per year in February, May, August, and October.
- **Leadership:** The Board of Delegates elects officers from the Board's membership to serve as Chair, Vice Chair, Secretary, and Treasurer. The Board of Delegates also appoints members to serve on the Executive Board. These appointments are made at the February meeting.
- **Subcommittees:** The current subcommittees of the Board are the Finance Committee and the Regional Transit Plan Policy Committee.

### Delegate Roles and Expectations

When selecting a Delegate and Alternate, member governments are encouraged to consider the following roles and expectations. Please also identify potential scheduling conflicts that may prevent elected officials from regularly attending Board of Delegates meetings.

- **Decision Maker:** Approve an annual budget, member dues assessment, Bylaws amendments, federal action agenda and state engagement plan;
- **Advisor:** Identify opportunities for the region to work together more effectively, efficiently, and affordably;
- **Connector:** Serve as the communication link to the member government on CCOG issues and services;
- **Champion:** Communicate the value of CCOG and regional cooperation; and
- **Representative:** Serve on Standing or Ad Hoc committees, or if appointed, on the Executive Board to provide additional guidance and direction to CCOG activities.

### 2019 CCOG Board of Delegates Meeting Schedule

**What to Expect?** Meetings are held to accomplish the organization's key business, including decision-making and discussing issues of regional importance. The Board of Delegates is often asked to provide input on critical business items, making it essential that each member government is represented at these meetings. Without a quorum, the Board cannot take official actions.

*Meetings are held at 6:15 p.m. at the CCOG Office.*

- February 12, 2020
- May 13, 2020
- August 12, 2020
- October 14, 2020

9815 David Taylor Drive, Suite 100  
Charlotte, North Carolina 28262  
Phone: 704-372-2416 Fax: 704-347-4710  
[www.centralina.org](http://www.centralina.org)

*Equal Opportunity/Affirmative Action Employer. Auxiliary aids and services available upon request to individuals with disabilities.*



### **Expense Reimbursement**

CCOG reimburses Delegates, or in their absence, an Alternate, for travel expenses for attending regular and special meetings of the Board of Delegates, the Executive Board, or their committees. The amount of the reimbursement is based on the roundtrip mileage from the Delegate's government center to the meeting location. The reimbursement is calculated using the standard mileage rate published by the Internal Revenue Service. Alternatively, Delegates can donate their mileage reimbursement to the Centralina Foundation, which is an affiliated 501(c)(3) non-profit organization which supports activities and initiatives of regional collaboration.

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Centralina Council of Governments

## 2020 Executive Board Meeting Dates

*These meetings will be held at 6:00 p.m. at CCOG Office.*

January 8, 2020  
March 11, 2020  
April 8, 2020  
June 10, 2020  
September 9, 2020  
November TBD\*

## 2020 Board of Delegates Meeting Dates

*These meetings will be held at 6:15 p.m. at the CCOG Office.*

<b>Date</b>	<b>Tentative Agenda Topics</b>
February 12, 2020	Annual Meeting & Delegate Orientation
May 13, 2020	FY21 Workplan Session
August 12, 2020	Delegate and Member Appreciation Event
October 14, 2020	Annual Report Presentation

*\* Regular meeting date falls on Veteran's Day holiday. Executive Board will set the rescheduled date at its March 2020 meeting.*

9815 David Taylor Drive  
Charlotte, North Carolina 28262  
Phone: 704-372-2416 Fax: 704-347-4710  
[www.centralina.org](http://www.centralina.org)

**From:** [Connie Cunningham](#)  
**To:** [Lloyd Payne](#)  
**Cc:** [Kim Deason](#)  
**Subject:** Cabarrus Rowan MPO TCC/TAC Appointees  
**Date:** Thursday, November 21, 2019 4:06:42 PM

---

**[NOTICE: This message originated outside of the City of Concord email system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

November 18, 2019

Mr. Lloyd Payne, City Manager  
City of Concord  
P.O. Box 308  
Concord, North Carolina 27026

**SUBJECT: 2020 appointments to the Transportation Advisory Committee (TAC) and the Technical Coordinating Committee (TCC) of the Cabarrus-Rowan Urban Area Metropolitan Planning Organization (CRMPO)**

Dear Mr. Payne,

As you are aware, each year the North Carolina Department of Transportation (NCDOT) requires the MPO to supply a list of current TAC and TCC representatives along with their alternates. At present, Councilman Brian King is the appointed member and Councilman CJ McKinzie serves as the alternate to represent the City of Concord on the TAC. Mr. Phillip Graham is currently the TCC representative and Mr. LeDerick Blackburn is serving as TCC alternate. Please notify the MPO as to who will serve in 2020 as your designated appointees to the TAC (elected officials only), as well as the TCC (staff) appointee and alternate. The TAC and TCC appointees must be available to attend regular monthly meetings and also participate on regional transportation planning committees. Attendance at the meetings is critical to the success of our planning efforts and to bring information back to their respective communities. A schedule of the meetings will be sent to your designated representative.

As all of the current TAC members are aware, there is a requirement to serve as a member or alternate of the TAC. TAC members are subject to provisions of the NC State Government Ethics Act, Chapter 138A of the NC General Statutes. There are two specific requirements: 1) State of Economic Interest (SEI) application, and 2) Real Estate Disclosure Form. Current MPO TAC members and their alternate must electronically file their SEI and Real Estate Disclosure Form annually by April 15<sup>th</sup>. This information can be found at <http://www.ethicscommission.nc.gov/sei>. Go to Statement of Economic Interest and click on MPO/RPO filers.

Please provide current contact information for your selected individuals to include mailing address, telephone number, fax number and e-mail address to Connie Cunningham at the CRMPO office by January 8, 2020. You may email your information to [ccunningham@mblsolution.com](mailto:ccunningham@mblsolution.com) or mail to Connie Cunningham, Cabarrus Rowan MPO, 713 Sternbridge Drive, Concord, NC 28025.

Thank you for your attention to this matter.

Sincerely,

Phil Conrad  
Cabarrus Rowan MPO Executive Director

*Connie Cunningham*

Cabarrus Rowan Metropolitan Planning Organization  
713 Sternbridge Drive  
Concord, North Carolina 28025  
704-795-7528  
704-795-7529 fax



City of Concord, North Carolina  
**Preliminary Application – Extension of Concord Utilities outside Concord City Limits**  
(Please type or print in black ink)

1. Name of development: Ophelia C. Furr
2. Name and address of owner(s)/developer(s): Ophelia C. Furr
3. Owner(s)/developer(s) telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
4. Name and address of surveyor/engineer: \_\_\_\_\_
5. Surveyor/engineer's telephone: \_\_\_\_\_ Fax: \_\_\_\_\_
6. Name, telephone and fax number, and address of agent (if any):  
Melissa J. Sides 704 699-3128
7. Name and address of person to whom comments should be sent: Melissa Jo Sides  
4636 Roberta Rd. Concord N.C. 28027
8. Telephone number of person to whom comments should be sent: \_\_\_\_\_  
Fax: \_\_\_\_\_
9. Location of property: \_\_\_\_\_
10. Cabarrus County P.I.N.#: \_\_\_\_\_
11. Current zoning classification: \_\_\_\_\_
12. Total acres: \_\_\_\_\_ Total lots proposed: \_\_\_\_\_
13. Brief Description of development: \_\_\_\_\_
14. Proposed Construction Schedule \_\_\_\_\_
15. Type of Service requested \_\_\_\_\_

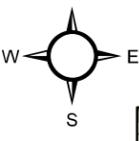
11-13-19  
Date

Melissa J. Sides  
Signature of Owner/Agent

Melissa J Sides  
Name (printed)

**NOTE:** By affixing his or her signature hereto, the owner/developer acknowledges understanding of and agreement to comply with all provisions of the Concord City Code section 62.

<b>Staff Use Only:</b>	
Received by: _____	Date: _____



# Preliminary Application



ORDINANCE DIRECTING THE HOUSING CODE ENFORCEMENT OFFICER TO VACATE, CLOSE, DEMOLISH AND REMOVE THE PROPERTY HEREIN DESCRIBED AS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED

WHEREAS, the City Council of the City of Concord finds that the property described herein is unfit for human habitation under the City Housing Code, and that all of the provisions of the Housing Code have not been complied with as a condition of the adoption of this ordinance; and

WHEREAS, said dwelling should be vacated, closed, demolished and removed to meet the requirements of the Housing Code as directed by the Housing Code Enforcement Officer, and should be placarded by placing thereon a notice prohibiting use for human habitation; and

WHEREAS, the owner of said dwelling has been given a reasonable opportunity to bring the dwelling up to the standards of the Housing Code in accordance with G.S. 160A-443 (5) pursuant to an order issued by the Housing Code Enforcement Officer on July 31, 2017 and the owner having failed to comply with the order;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord, that:

Section 1. The Housing Code Enforcement Officer is hereby authorized and directed to place a sign containing the legend, "THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL." on the buildings owned by Tregg S. Holbrook, Yessinia R. Holbrook, Donald Lee Newton Sr., Donald Lee Newton Jr., Steven D. Ross, AEGIS Wholesale Corp and Mortgage Electronic Registration Systems Inc. and located at the following address: 652, 654, 656 and 658 Faith Dr., Concord, NC.

Section 2: The Housing Code Enforcement Officer is hereby authorized and directed to proceed to vacate, close, demolish and remove the above described dwelling in accordance with his order to the owner thereof dated the 12th day of December, and with the Housing Code and G.S. 160A-443.

Section 3: It shall be unlawful for any person to remove or cause to be removed said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any building herein declared to be unfit for human habitation.

Section 4: The total cost of demolition of the above described dwelling, in accordance with this order, shall constitute a lien against subject property.

Section 5: This ordinance shall become effective December 12, 2019

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

CITY COUNCIL  
CITY OF CONCORD, N.C.

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST:

\_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
Valerie Kolczynski, City Attorney

**652, 654, 656 & 658 Faith Dr**



**652, 654, 656 & 658 Faith Dr.**







## FINANCE ROUTING SHEET

Date: 12/12/19

Department: Police-Code Enforcement

### Award Information

Awarded To: \_\_\_\_\_

Project Number: \_\_\_\_\_

Bid Amount: \_\_\_\_\_

Bid Number: \_\_\_\_\_

Financial Information	Yes	No
Does this item require additional personnel?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Does this item require additional equipment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item increase operating costs?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will this item require in-kind services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Budgetary Impact

State/Federal Funds Required: \_\_\_\_\_

City Funds Required: To be determined by bidding.

Other Financial Resources: \_\_\_\_\_

In-Kind Services Required: \_\_\_\_\_

Budget Code: 4312-5303000

### Comments

Demolition of the structure located at 652, 654,656 & 658 Faith Dr. (PIN# 5529-54-8818) owned by Tregg S. Holbrook & wife Yessinia R Holbrook, Donald Lee Newton Sr., Donald Lee Newton Jr., Steven D. Ross, AEGIS Wholesale Corp., and Mortgage Electronic Registration Systems Inc.

NORTH CAROLINA  
CABARRUS COUNTY

**STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT (“Agreement”), made this 26<sup>th</sup> day of November, 2019, by Moss Creek Charlotte, LLC, a Delaware limited liability company, whose principal address is 517 Alcove Rd., Ste. 301, Mooresville, NC 28117 (hereinafter “Grantor”), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter “Grantee” or “City”).

**WITNESSETH:**

**WHEREAS,** THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON \_\_\_\_\_.

**WHEREAS,** Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: Cypress Village Subdivision and having an address of 9245 and 9339 Davidson Highway, Concord, NC, Cabarrus County Property Identification Number (PINs): 4681-29-8785, 4681-39-1295, & 4681-39-1660. It being the land conveyed to Grantor by deeds recorded in Book and Page 12907/112 and 13516/300 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the “Property”); and

**WHEREAS,** Grantor desires to develop or redevelop all or portions of the Property; and

**WHEREAS,** the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter “CCDO”), and the Concord Technical Standards Manual (hereafter “Concord Manual”); and

**WHEREAS**, conditions for development and/or redevelopment of the Property includes (i) the construction, operation and maintenance of a Wet Detention Basin, Dry Detention Basin and a Sand Filter, as provided in the CCDO and the Concord Manual (the “Stormwater Control Measures” or “SCMs”), (ii) Grantor’s dedication of a non-exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measures; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

**WHEREAS**, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

**WHEREAS**, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

**NOW, THEREFORE**, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit “A” titled “SCM Access and Maintenance Easement at Property Known as SCM Access and Maintenance Easement” and labeled “SCM Access and Maintenance Easement 23,533 SF” and “SCM Access and Maintenance Easement 27,216 SF”**, for the purpose of inspection and maintenance of the Stormwater Control Measures (hereinafter referred to as “SCM Easement”). Within the SCM Easement Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easement, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measures or SCMs, which includes (i) the SCMs and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCMs across that portion of the Property shown on the attached **Exhibit “A” titled “SCM Access and Maintenance Easement at Property Known as SCM Access and Maintenance Easement” off of Davidson HWY (HWY 73) and labeled “SCM Access and Maintenance Easement”** for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCMs, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor’s Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easement are more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Wet Detention Basin Inspection and Maintenance Plan, Dry Detention Basin Inspection and Maintenance Plan and the Sand Filter Inspection and Maintenance Plan attached as **Exhibit “B”** and (iv) as provided in the N.C. Dept. of Environment and

Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the “NCDENR Manual”), all of which are incorporated herein by reference as if set forth in their entireties below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

- a. All components of the SCMs and related improvements within the SCM Easement are to be kept in good working order.
- b. The components of the SCMs and related improvements within the SCM Easement shall be maintained by Grantor as described in “**Exhibit B**”, the Wet Detention Basin Inspection and Maintenance Plan, Dry Detention Basin Inspection and Maintenance Plan and the Sand Filter Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCMs, Grantor’s N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCMs and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as “Annual Report”) are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report shall describe the condition and functionality of the SCMs, and shall describe any maintenance performed thereon during the preceding year. The Annual Report shall be submitted with the signature and seal of Grantor’s N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCMs and all components and structures related to the SCMs functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plans describe the specific actions needed to maintain the SCMs.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCMs, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plans and as provided in the NCDENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee’s name, address of the Property, transferee’s mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee’s name, address of the Property; transferee’s mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plans, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated to enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCMs, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easement, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easement and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB \_\_\_\_\_ PG \_\_\_\_.”** shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measures (SCMs), Access Easement and Maintenance Agreement dated November 26, 2019 with and for the benefit of the City of Concord, recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this

conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENT AND ACCEPTED THE SCM EASEMENT AT THEIR MEETING OF \_\_\_\_\_, AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

**GRANTOR:**

Moss Creek Charlotte, LLC, a Delaware limited liability company

By: Alan Scharo  
Title: Manager - Authorized signor

**GRANTEE:**

City of Concord, a municipal corporation

By: \_\_\_\_\_  
Lloyd Payne, City Manager

ATTEST:

\_\_\_\_\_  
Kim J. Deason, City Clerk  
[SEAL]

APPROVED AS TO FORM

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VaLerie Kolczynski, City Attorney

**IREDELL COUNTY  
STATE OF NORTH CAROLINA**

I, John W. Oakes II, a Notary Public in and for Iredell County and State, do hereby certify that Alan G. Schwansv, as Authorized Signatory of Moss Creek Charlotte, LLC, a Delaware limited liability company, personally appeared before me this day and acknowledged to me that he/she is the Authorized Signatory of Moss Creek Charlotte, LLC, a Delaware limited liability company and that he/she voluntarily signed the foregoing document for the purposes stated therein.

WITNESS my hand and Notarial Seal this the 26<sup>th</sup> day of November, 2019.

My Commission Expires: 9-21-22 [Signature]  
Notary Public



**STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS**

I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURES (SCMs), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on \_\_\_\_\_ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 2019.

Notary Public \_\_\_\_\_  
My commission expires: \_\_\_\_\_

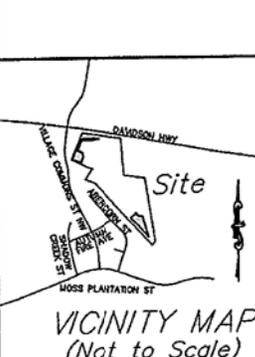
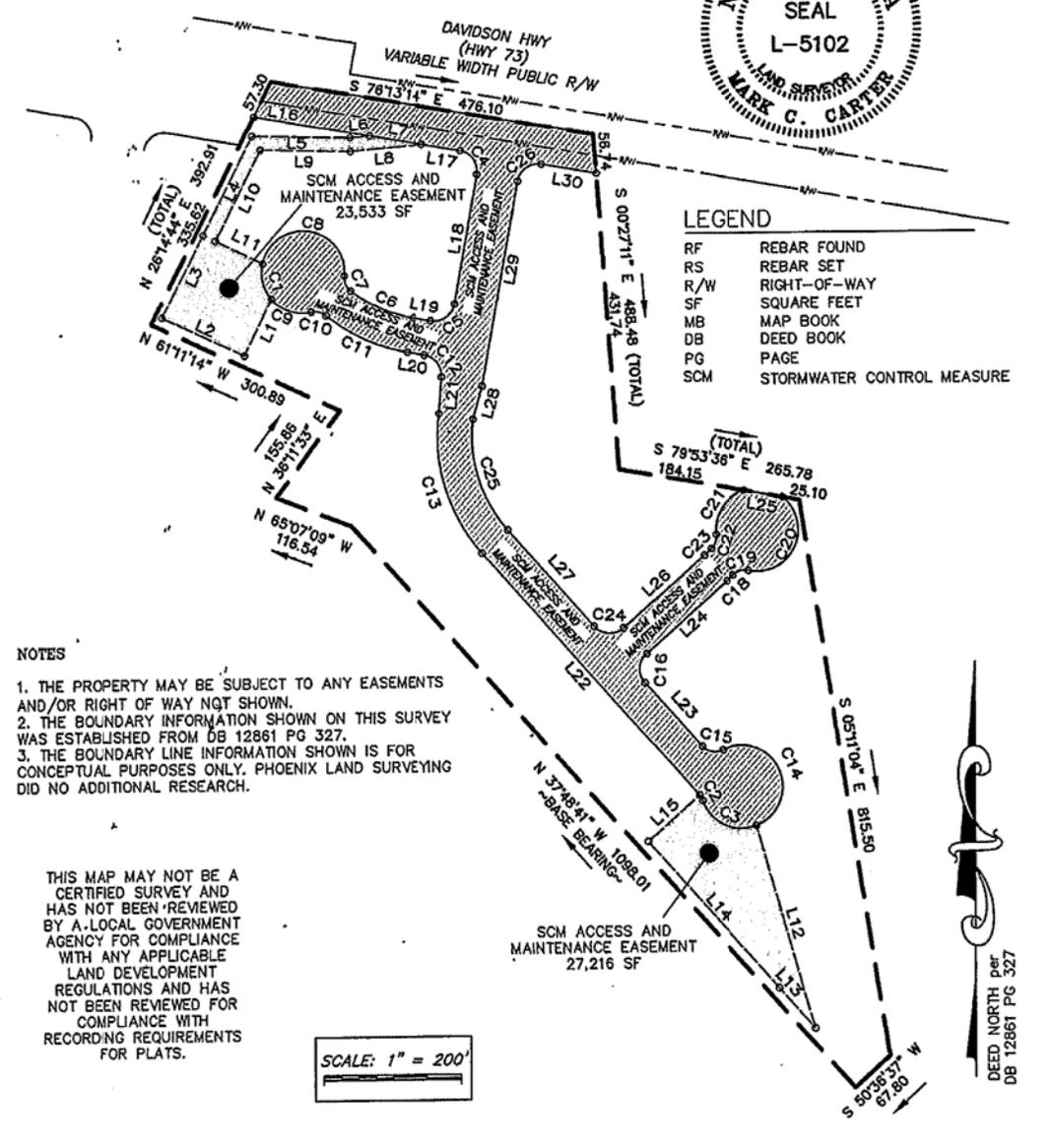
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# Exhibit "A"

STATE OF NORTH CAROLINA CABARRUS COUNTY

"I, MARK C. CARTER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12907, PAGE 112 OR OTHER REFERENCE SOURCE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ OR OTHER REFERENCE SOURCE \_\_\_\_\_; THAT THE RATIO OF PRECISION OR POSITION ACCURACY IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA ( 21 NCAC 56. 1600)." THIS 19th DAY OF NOVEMBER, 2019.

*Mark C. Carter*  
 PROFESSIONAL LAND SURVEYOR



SCM ACCESS AND MAINTENANCE EASEMENT  
 AT PROPERTY KNOWN AS  
 SCM ACCESS AND MAINTENANCE EASEMENT  
 PARCEL # 46812987850000, DB 12907 PG 112  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 OWNER: MOSS CREEK CHARLOTTE, LLC  
 SHEET 1 OF 2

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

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STATE OF NORTH CAROLINA CABARRUS COUNTY

"I, MARK C. CARTER, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 12907, PAGE 112 OR OTHER REFERENCE SOURCE \_\_\_\_\_); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ OR OTHER REFERENCE SOURCE \_\_\_\_\_; THAT THE RATIO OF PRECISION OR POSITION ACCURACY IS 1:10,000, AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA ( 21 NCAC 56. 1600)." THIS 19TH DAY OF NOVEMBER, 2019.

*Mark C. Carter*  
 PROFESSIONAL LAND SURVEYOR



THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR RECORDING REQUIREMENTS FOR PLATS.

FLOOD NOTE:  
 NO PORTION OF THE SUBJECT PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA PER F.E.M.A. FLOOD INSURANCE RATE MAP: COMMUNITY PANEL 3710468100K, DATED: NOVEMBER 16, 2018.

NOTES

1. THE PROPERTY MAY BE SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF WAY.
2. THE BOUNDARY INFORMATION SHOWN ON THIS PLAT WAS ESTABLISHED FROM DB 12861 PG 327.
3. THE BOUNDARY INFORMATION IS FOR CONCEPTUAL PURPOSES ONLY. PHOENIX LAND SURVEYING DID NO ADDITIONAL RESEARCH OR FIELD WORK TO VALIDATE THE BOUNDARY.

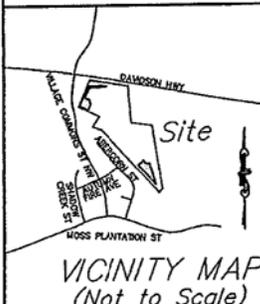
LINE	BEARING	DISTANCE
L1	S 29°37'01" W	90.56'
L2	N 61°11'14" W	131.15'
L3	N 30°03'20" E	134.19'
L4	N 30°03'20" E	159.36'
L5	S 84°49'59" E	142.56'
L6	N 88°52'53" E	28.12'
L7	S 76°13'14" E	77.79'
L8	S 88°52'53" W	104.39'
L9	N 84°49'59" W	130.89'
L10	S 30°03'20" W	146.59'
L11	S 59°56'40" E	75.75'
L12	S 12°06'48" E	305.67'
L13	N 37°48'41" W	77.83'
L14	N 37°48'41" W	286.30'
L15	N 52°12'30" E	99.78'
L16	S 76°13'14" E	170.20'
L17	S 76°13'14" E	57.02'
L18	S 13°46'46" W	191.00'
L19	N 76°13'14" W	26.43'
L20	S 76°13'14" E	26.27'
L21	S 07°48'39" W	53.41'
L22	S 37°47'29" E	472.85'
L23	N 37°47'30" W	124.06'
L24	N 52°11'19" E	156.82'
L25	N 76°05'00" W	56.54'
L26	S 52°11'19" W	156.78'
L27	N 37°47'30" W	188.89'
L28	N 19°10'07" E	50.22'
L29	N 13°46'46" E	301.00'
L30	S 76°13'14" E	81.10'

LEGEND

- RF REBAR FOUND
- RS REBAR SET
- R/W RIGHT-OF-WAY
- SF SQUARE FEET
- MB MAP BOOK
- DB DEED BOOK
- PG PAGE
- FS FRONT SETBACK
- RY REAR YARD
- SY SIDE YARD
- SCM STORMWATER CONTROL MEASURE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	55.49'	60.00'	52°59'16.47"	S 10°18'46" E	53.53'
C2	9.57'	25.00'	21°58'07.47"	S 26°12'27" E	9.51'
C3	96.73'	60.00'	92°22'00.03"	S 61°25'21" E	86.59'
C4	47.12'	30.00'	90°00'00.00"	S 31°13'14" E	42.43'
C5	47.12'	30.00'	90°00'00.00"	S 58°46'46" W	42.43'
C6	100.20'	205.00'	28°00'14.89"	N 82°13'07" W	99.20'
C7	25.29'	25.00'	57°57'50.29"	N 19°14'04" W	24.23'
C8	181.76'	60.00'	173°33'58.08"	N 77°02'08" W	119.81'
C9	64.14'	60.00'	61°14'50.18"	S 67°25'49" E	61.13'
C10	22.38'	25.00'	51°17'23.33"	S 72°24'32" E	21.64'
C11	131.10'	255.00'	29°27'23.74"	S 61°29'32" E	129.66'
C12	44.00'	30.00'	84°01'53.09"	S 34°12'18" E	40.16'
C13	218.75'	255.00'	49°09'01.74"	S 13°12'59" E	212.10'
C14	194.29'	60.00'	185°32'02.62"	N 20°22'22" W	119.86'
C15	32.88'	25.00'	75°20'54.15"	N 75°27'57" W	30.56'
C16	47.11'	30.00'	89°58'48.25"	N 07°11'55" E	42.42'
C18	11.68'	255.00'	2°37'30.63"	N 50°52'32" E	11.68'
C19	24.51'	25.00'	56°10'52.21"	N 77°39'13" E	23.54'
C20	160.97'	60.00'	153°43'00.86"	N 28°53'09" E	116.86'
C21	81.57'	60.00'	77°53'48.29"	S 36°51'28" W	75.43'
C22	21.99'	25.00'	50°23'40.09"	S 23°06'24" W	21.29'
C23	13.90'	205.00'	3°53'02.91"	S 50°14'46" W	13.89'
C24	47.13'	30.00'	90°01'11.75"	N 82°48'05" W	42.43'
C25	173.74'	205.00'	48°33'34.74"	N 13°30'42" W	168.59'
C26	47.12'	30.00'	90°00'00.00"	N 58°46'46" E	42.43'

SCALE: 1" = 200'



SCM ACCESS AND MAINTENANCE EASEMENT  
 AT PROPERTY KNOWN AS  
 SCM ACCESS AND MAINTENANCE EASEMENT  
 PARCEL # 46812987850000, DB 12907 PG112  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 OWNER: MOSS CREEK CHARLOTTE, LLC  
 SHEET 2 OF 2



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

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### Sand Filter Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

Important maintenance procedures:

- The drainage area will be carefully managed to reduce the sediment load to the sand filter.
- Once a year, sand media will be skimmed.
- The sand filter media will be replaced whenever it fails to function properly after vacuuming.

The sand filter will be inspected **quarterly and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
<b>The entire SCM</b>	Trash/debris is present.	Remove the trash/debris.
<b>The adjacent pavement (if applicable)</b>	Sediment is present on the pavement surface.	Sweep or vacuum the sediment as soon as possible.
<b>The perimeter of the sand filter</b>	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.
<b>The flow diversion structure</b>	The structure is clogged.	Unclog the conveyance and dispose of any sediment off-site.
	The structure is damaged.	Make any necessary repairs or replace if damage is too large for repair.

<b>The pretreatment area</b>	Sediment has accumulated to a depth of greater than six inches.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If a pesticide is used, wipe it on the plants rather than spraying.

<b>SCM element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>The filter bed and underdrain collection system</b>	Water is ponding on the surface for more than 24 hours after a storm.	Check to see if the collector system is clogged and flush if necessary. If water still ponds, remove the top few inches of filter bed media and replace. If water still ponds, then consult an expert.
<b>The outflow spillway and pipe</b>	Shrubs or trees have started to grow on the embankment.	Remove shrubs and trees immediately.
	The outflow pipe is clogged.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	The outflow pipe is damaged.	Repair or replace the pipe.
<b>The receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact Stormwater Services at 704-920-5360.



## Wet Detention Basin Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

The wet detention basin system is defined as the wet detention basin, pretreatment including forebays and the vegetated filter if one is provided.

**This system (check one):**

does  does not incorporate a vegetated filter at the outlet.

**This system (check one):**

does  does not incorporate pretreatment other than a forebay.

Important maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet detention pond should be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- If the basin must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain should be minimized to the maximum extent practical.
- Once a year, a dam safety expert should inspect the embankment.

After the wet detention pond is established, it should be inspected **once a month and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance should be kept in a known set location and must be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.

<b>SCM element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>The inlet device: pipe or swale</b>	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
<b>The forebay</b>	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
<b>The vegetated shelf</b>	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices
	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
<b>The main treatment area</b>	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).

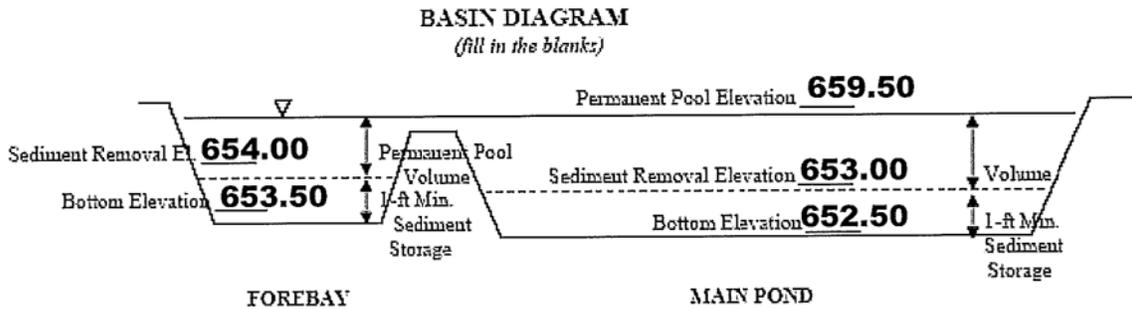
SCM element:	Potential problem:	How I will remediate the problem:
<b>The embankment</b>	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
<b>The outlet device</b>	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
<b>The receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact the local NC Division of Water Quality Regional Office, or the 401 Oversight Unit at 919-733-1786.

The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

**Elevations used are approved design or equivalent as-built elevations.**  
**(Indicate which is being indicated in this document.)**

When the permanent pool depth reads **6.50** feet in the main pond, the sediment shall be removed.

When the permanent pool depth reads **5.50** feet in the forebay, the sediment shall be removed.





## Dry Extended Detention Basin Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

The dry extended detention basin system is defined as the dry detention basin, outlet structure, pretreatment including forebays and the vegetated filter if one is provided.

**This system (check one):**

does  does not incorporate a vegetated filter at the outlet.

**This system (check one):**

does  does not incorporate pretreatment other than a forebay.

Important maintenance procedures:

- The drainage area will be managed to reduce the sediment load to the dry extended detention basin.
- Immediately after the dry extended detention basin is established, the vegetation will be watered twice weekly if needed until the plants become established (commonly six weeks).
- No portion of the dry extended detention pond will be fertilized after the first initial fertilization that is required to establish the vegetation.
- I will maintain the vegetation in and around the basin at a height of approximately six inches.
- Once a year, a dam safety expert will inspect the embankment.

After the dry extended detention basin is established, it will be inspected **once a quarter and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance will be kept in a known set location and will be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the dry extended detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.

<b>SCM element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>The inlet device: pipe or swale</b>	The pipe is clogged (if applicable).	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged (if applicable).	Replace the pipe.
	Erosion is occurring in the swale (if applicable).	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
<b>The forebay</b>	Sediment has accumulated and reduced the depth to 75% of the original design depth (see diagram below).	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred or riprap is displaced.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticides are used, wipe them on the plants rather than spraying.
<b>The main treatment area</b>	Sediment has accumulated and reduced the depth to 75% of the original design depth (see diagram below).	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM. Revegetate disturbed areas immediately with sod (preferred) or seed protected with securely staked erosion mat.
	Water is standing more than 5 days after a storm event.	Check outlet structure for clogging. If it is a design issue, consult an appropriate professional.
	Weeds and noxious plants are growing in the main treatment area.	Remove the plants by hand or by wiping them with pesticide (do not spray).

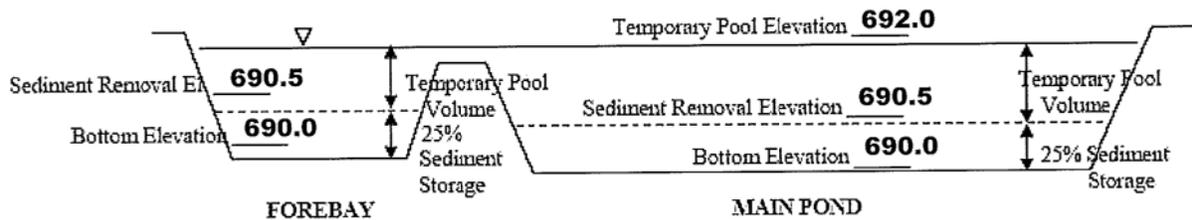
SCM element:	Potential problem:	How I will remediate the problem:
<b>The embankment</b>	Shrubs or trees have started to grow on the embankment.	Remove shrubs or trees immediately.
	Grass cover is unhealthy or eroding.	Restore the health of the grass cover – consult a professional if necessary.
	Signs of seepage on the downstream face.	Consult a professional.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
<b>The outlet device</b>	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
<b>The receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact Stormwater Services at 704-920-5360.

The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

When the basin depth reads 1.5 feet in the main pond, the sediment shall be removed.

When the basin depth reads 1.5 feet in the forebay, the sediment shall be removed.

**BASIN DIAGRAM**  
*(fill in the blanks)*



NORTH CAROLINA  
CABARRUS COUNTY

**STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND  
MAINTENANCE AGREEMENT**

THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ("Agreement"), made this 18<sup>th</sup> day of November, 2019, by TAC Niblock, LLC a North Carolina limited liability company, whose principal address is 2100 Powers Ferry Road, Suite 350, Atlanta, GA 30339-5068 (hereinafter "Grantor"), with, to, and for the benefit of the City of Concord, a municipal corporation of the State of North Carolina, whose address is P.O. Box 308, Concord North Carolina 28026-0308, (hereinafter "Grantee" or "City").

**WITNESSETH:**

**WHEREAS**, THE CITY COUNCIL ACCEPTED THIS STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT ON \_\_\_\_\_  
\_\_\_\_\_.

**WHEREAS**, Grantor is the owner in fee simple of certain real property situated in the City of Concord, County of Cabarrus, North Carolina and more particularly described as follows: 449 Hunton Forest Drive NW, Concord, North Carolina, part of Cabarrus County Property Identification Number (PIN): 5611-02-7007. It being a portion of the lands conveyed to Grantor by deed recorded in Book and Page 11201/93 and as shown on Map Book and Page 67/49 in the Office of the Register of Deeds for Cabarrus County (hereinafter referred to as the "Property"); and

**WHEREAS**, Grantor desires to develop or redevelop all or portions of the Property; and

**WHEREAS**, the Property is located within the planning jurisdiction of the City of Concord, and is subject to certain requirements set forth in the City of Concord Code of Ordinances Chapter 60, the Concord Development Ordinance, (hereafter "CCDO"), and the Concord Technical Standards Manual (hereafter "Concord Manual"); and

**WHEREAS**, conditions for development and/or redevelopment of the Property includes (i) the construction, operation and maintenance of a Wet Detention Basin, as provided in the CCDO and the Concord Manual (the "Stormwater Control Measure" or "SCM"), (ii) Grantor's dedication of a non-

exclusive access easement to the City, as described in this Agreement, for inspection and maintenance of the Stormwater Control Measure; and (iii) the assumption by Grantor of certain specified maintenance and repair responsibilities; and

**WHEREAS**, this Agreement and the easements created herein are established in accordance with the requirements of N.C.G.S. Sec 143-211 *et. seq.*, Article 4 of the CCDO and Article I of the Concord Manual; and

**WHEREAS**, Grantor has full authority to execute this Agreement so as to bind the Property and all current and future owners and/or assigns.

**NOW, THEREFORE**, for valuable consideration, including the benefits Grantor may derive there from, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby dedicates, bargains, grants and conveys unto Grantee, and its successors and assigns, a perpetual, and irrevocable right and non-exclusive easement in gross (of the nature and character and to the extent hereinafter set forth) in, on, over, under, through and across those portions of the Property shown on the attached **Exhibit "A" titled "Stormwater SCM Maintenance Easement Wet Pond #2 & Access Easement Exhibit at Hunton Forest Phase 2 & 3" and labeled "Stormwater SCM Maintenance Easement Wet Pond #2 (Sheet 1 of 5, Sheet 3 of 5 and Sheet 5 of 5)"**, for the purpose of inspection and maintenance of the Stormwater Control Measure (hereinafter referred to as "SCM Easement"). Within the SCM Easement Grantor shall conduct best management practices as more fully set forth herein and in the CCDO and Concord Manual. Also within the SCM Easement, Grantor shall construct, maintain, repair and reconstruct the Stormwater Control Measure or SCM, which includes (i) the SCM and any other stormwater quantity and/or quality control devices and/or structures, described on the plans approved by the City of Concord and filed at the A.M. Brown Operations Center, 850 Warren Coleman Blvd., Concord, NC 28025; and (ii) access to the aforesaid SCM across that portion of the Property shown on the attached **Exhibit "A" "Stormwater SCM Maintenance Easement Wet Pond #2 & Access Easement Exhibit at Hunton Forest Phase 2 & 3" and labeled "SCM Access Easement (Sheets 1 thru 5)"** for the purpose of permitting City access, inspection and, in accordance with the terms of paragraph 4 of this Agreement, maintenance and repair of the SCM, as more fully set forth herein and in the CCDO and Concord Manual. Except as set forth herein, nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of Grantor's Property to the general public or for any public use or purpose whatsoever, and further except as specifically provided herein for the benefit of the City, no rights, privileges or immunities of Grantor shall inure to the benefit of any third-party, nor shall any third-party be deemed to be a beneficiary of any of the provisions contained herein.

The additional terms, conditions, and restrictions of this Agreement are:

1. The requirements pertaining to the SCM Easement are more fully set forth in the current adopted and published editions of the following four (4) documents: (i) Article 4 of the CCDO, (ii) Article I, Section 1 of the Concord Manual, (iii) the Wet Detention Basin Inspection and Maintenance Plan attached as **Exhibit "B"** and (iv) as provided in the N.C. Dept. of Environment and Natural Resources (DENR) Stormwater Best Management Practices (BMP) Manual (the "NCDENR Manual"), all of which are incorporated herein by reference as if set forth in their entirety below. Grantor agree to abide by all applicable codes including, but not limited to, those set forth above. All provisions required by Code Section 4.4.6.B.1 are incorporated herein by reference, and Grantor agree to abide by

said provisions. Grantor further agrees that Grantor shall perform the following, all at its sole cost and expense:

- a. All components of the SCM and related improvements within the SCM Easement are to be kept in good working order.
- b. The components of the SCM and related improvements within the SCM Easement shall be maintained by Grantor as described in “**Exhibit B**”, the Wet Detention Basin Inspection and Maintenance Plan.

2. Upon completion of the construction of the SCM, Grantor’s N.C. registered professional engineer shall certify in writing to the Concord Director of Water Services that the SCM and all components are constructed and initially functioning as designed. Annual inspection reports (hereinafter referred to as “Annual Report”) are required each year and shall be made by Grantor on the written schedule provided to Grantor in advance by the City. The Annual Report shall describe the condition and functionality of the SCM, and shall describe any maintenance performed thereon during the preceding year. The Annual Report shall be submitted with the signature and seal of Grantor’s N.C. registered professional engineer conducting the inspection. If necessary, the City will provide a letter describing the maintenance necessary to keep the SCM and all components and structures related to the SCM functioning as designed and with reasonable timeframes in which to complete the maintenance. If the Annual Report recommends maintenance actions, the repairs shall be made within a reasonable time as defined by the City.

Grantor and Grantee understand, acknowledge and agree that the attached Inspection and Maintenance Plan describe the specific actions needed to maintain the SCM.

3. Grantor represents and warrants that Grantor are financially responsible for construction, maintenance, repair and replacement of the SCM, its appurtenances and vegetation, including impoundment(s), if any. Grantor agrees to perform or cause to be performed the maintenance as outlined in the attached Inspection and Maintenance Plan and as provided in the NC DENR Manual. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall give the City written notice of the transfer of a fee or possessory interest in the Property listing the transferee’s name, address of the Property, transferee’s mailing address and other contact information. Grantor and any subsequent transferee of Grantor or succeeding owner of the Property shall not be responsible for errors or omissions in the information about the transferee provided to the City caused by acts or omissions of the transferee. The transferee shall give the City written notice of the acceptance and any future transfer of an interest in the Property listing the transferee’s name, address of the Property; transferee’s mailing address and other contact information. Upon the conveyance of the Property by Grantor to any transferee acquiring the Property by means of a conveyance document containing the language set forth in paragraph 9 below, Grantor are released from any further covenants or other obligations set forth in this Agreement.

4. If Grantor fails to comply with these requirements, or any other obligations imposed herein, in the City of Concord Code of Ordinances, CDO, the Concord Manual or approved Inspection and Maintenance Plan, the City of Concord may perform (but is not obligated to perform) such work as Grantor is responsible for and recover the costs thereof from Grantor.

5. This Agreement gives Grantee the following affirmative rights:

Grantee, its officers, employees, and agents may, but is not obligated to enter the SCM Easement whenever reasonably necessary for the purpose of inspecting same to determine compliance herewith, to maintain same and make repairs or replacements to the SCM, its appurtenances and condition(s) as may be necessary or convenient thereto in the event Grantor defaults in its obligations and to recover from Grantor the cost thereof, and in addition to other rights and remedies available to it, to enforce by proceedings at law or in equity the rights, covenants, duties, and other obligations herein imposed in this Agreement.

6. Grantor shall neither obstruct nor hinder the passage of vehicular traffic and pedestrians within the paved portion of the access easement granted herein by Grantor to Grantee.

7. Grantor shall, in all other respects, remain the fee owners of the Property and areas subject to the SCM Easement, and may make all lawful uses of the Property not inconsistent with this Agreement and the Easements granted herein.

8. Grantee neither waives nor forfeits the right to act to ensure compliance with the terms, conditions and purposes of the SCM Easement and this Agreement by a prior failure to act.

9. Grantor agrees:

a. That a reference to the deed book and page number of this document in a form substantially similar to the following statement in at least a 12 point bold face font on the first page of the document: **“Notice: The Property is subject to a Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement enforced by the City of Concord and State of North Carolina recorded in the Cabarrus County Registry at DB \_\_\_\_\_ PG \_\_\_\_.”** shall be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor may be divested of either the fee simple title to or possessory interests in the subject Property. The designation Grantor and Grantee shall include the parties, their heirs, successors and assigns; and

b. That the following statement shall be inserted in any deed or other document of conveyance:

“Title to the property hereinabove described is subject to the following exceptions:

That certain Stormwater Control Measure (SCM), Access Easement and Maintenance Agreement dated November 18, 2019 with and for the benefit of the City of Concord, recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ in the Cabarrus County Registry, North Carolina, creating obligations of payment and performance on the part of Grantor which Grantee hereby assumes and agrees to perform and pay as part of the consideration of this conveyance and except further that this conveyance is made subject to any and all enforceable restrictions and easements of record (if applicable).”

In the event that such conveyance is other than by deed, the above terms of “grantor/grantee” may be substituted by equivalent terms such as “landlord/tenant.”

TO HAVE AND TO HOLD the aforesaid rights, privileges, and easements herein granted to Grantee, its successors and assigns forever and Grantor do covenant that Grantor is seized of said premises in fee and has the right to convey the same, that except as set forth below the same are free from encumbrances and that Grantor will warrant and defend the said title to the same against claims of all persons whosoever.

Title to the Property hereinabove described is subject to all enforceable deeds of trust, liens, easements, covenants and restrictions of record.

The covenants agreed hereto and the conditions imposed herein shall be binding upon Grantor and its agents, personal representatives, heirs and assigns and all other successors in interest to Grantor and shall continue as a servitude running in perpetuity with the above-described land.

THE CONCORD CITY COUNCIL APPROVED THIS AGREEMENT AND SCM EASEMENT AND ACCEPTED THE SCM EASEMENT AT THEIR MEETING OF \_\_\_\_\_, AS ATTESTED TO BELOW BY THE CITY CLERK. CONCORD CITY COUNCIL APPROVAL OF THIS AGREEMENT AND EASEMENT IS A CONDITION PRECEDENT TO ACCEPTANCE BY THE CITY.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed day and year first above written.

**GRANTOR:**

TAC NIBLOCK, LLC,  
a North Carolina limited liability company

By:   
Dror Bezele, Manager

Cobb COUNTY  
STATE OF Georgia

I, Sheri Walton, a Notary Public in and for Cobb County and State, do hereby certify that Dror Bezele, personally appeared before me this day and acknowledged that he/she is Manager of TAC NIBLOCK, LLC, a North Carolina limited liability company, and that he/she personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this the 18<sup>th</sup> day of November, 2019.

My Commission Expires: 3-21-21  Notary Public



**GRANTEE:**

City of Concord, a municipal corporation

ATTEST:

By: \_\_\_\_\_  
Lloyd Payne, City Manager

\_\_\_\_\_  
Kim J. Deason , City Clerk

[SEAL]

APPROVED AS TO FORM

\_\_\_\_\_  
VaLerie Kolczynski, City Attorney

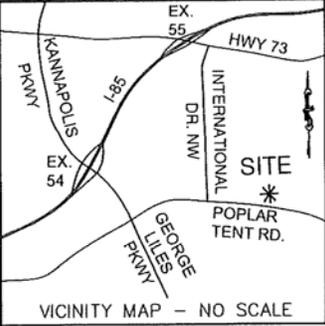
**STATE OF NORTH CAROLINA  
COUNTY OF CABARRUS**

I, \_\_\_\_\_, a Notary Public of the aforesaid County and State, do hereby certify that Kim J. Deason personally appeared before me this day and acknowledged that she is the City Clerk of the City of Concord and that by authority duly given and as the act of the municipal corporation, the foregoing STORMWATER CONTROL MEASURE (SCM), ACCESS EASEMENT AND MAINTENANCE AGREEMENT was approved by the Concord City Council at its meeting held on \_\_\_\_\_ and was signed in its name by its City Manager, sealed with its corporate seal and attested by her as its City Clerk.

WITNESS my hand and notarial seal, this the \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

Exhibit "A"

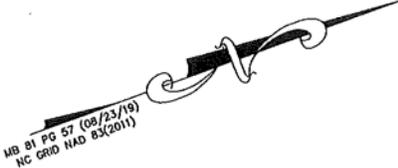


I, JULIA A McDONALD, CERTIFY THAT THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION AND THAT THE IT WAS PREPARED FOR THE PURPOSE OF ACQUISITION OF EASEMENTS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN,  
*Julia A McDonald* 11/15/19  
 NC PLS L-3617 DATE

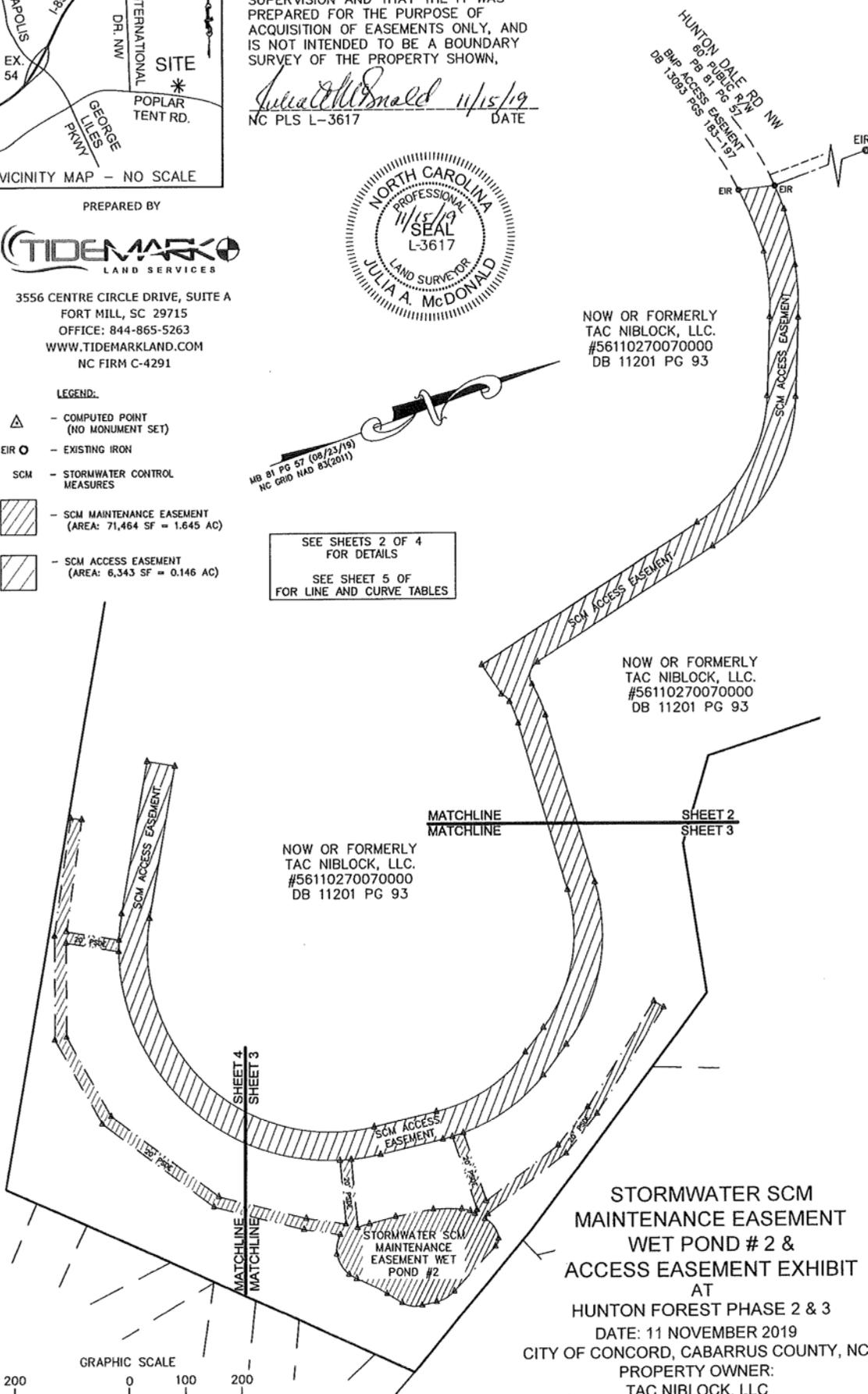


PREPARED BY  
**TIDEMARK**  
 LAND SERVICES  
 3556 CENTRE CIRCLE DRIVE, SUITE A  
 FORT MILL, SC 29715  
 OFFICE: 844-865-5263  
 WWW.TIDEMARKLAND.COM  
 NC FIRM C-4291

- LEGEND:
- △ - COMPUTED POINT (NO MONUMENT SET)
  - EIR ○ - EXISTING IRON
  - SCM - STORMWATER CONTROL MEASURES
  - SCM MAINTENANCE EASEMENT (AREA: 71,464 SF = 1.645 AC)
  - SCM ACCESS EASEMENT (AREA: 6,343 SF = 0.146 AC)

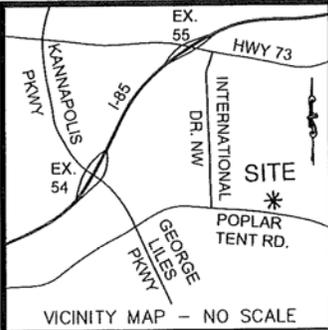


SEE SHEETS 2 OF 4 FOR DETAILS  
 SEE SHEET 5 OF FOR LINE AND CURVE TABLES



**STORMWATER SCM MAINTENANCE EASEMENT WET POND # 2 & ACCESS EASEMENT EXHIBIT AT HUNTON FOREST PHASE 2 & 3**  
 DATE: 11 NOVEMBER 2019  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 PROPERTY OWNER:  
 TAC NIBLOCK, LLC  
 2100 POWERS FERRY RD.  
 ST. 350,  
 ATLANTA, GA, 30339

11-15-19	CHANGE BMP TO SCM AS PER CITY OF CONCORD LEGAL DEPARTMENT	WCH
DATE	REVISION	BY

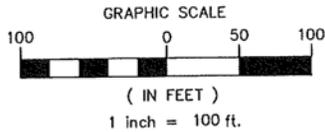


I, JULIA A McDONALD, CERTIFY THAT THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION AND THAT THE IT WAS PREPARED FOR THE PURPOSE OF ACQUISITION OF EASEMENTS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN,

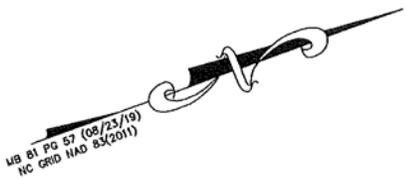
*Julia A McDonald* 11/15/19  
 NC PLS L-3617 DATE



3556 CENTRE CIRCLE DRIVE, SUITE A  
 FORT MILL, SC 29715  
 OFFICE: 844-865-5263  
 WWW.TIDEMARKLAND.COM  
 NC FIRM C-4291



- LEGEND:
- COMPUTED POINT (NO MONUMENT SET)
  - EXISTING IRON
  - STORMWATER CONTROL MEASURES
  - SCM MAINTENANCE EASEMENT (AREA: 71,464 SF = 1.645 AC)
  - SCM ACCESS EASEMENT (AREA: 6,343 SF = 0.146 AC)



SEE SHEET 5 OF 5 FOR LINE AND CURVE TABLES

NOW OR FORMERLY  
 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

NOW OR FORMERLY  
 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

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 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

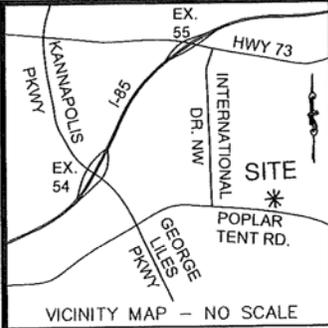
STORMWATER SCM  
 MAINTENANCE EASEMENT  
 WET POND # 2 &  
 ACCESS EASEMENT EXHIBIT  
 AT

HUNTON FOREST PHASE 2 & 3  
 DATE: 11 NOVEMBER 2019  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 PROPERTY OWNER:  
 TAC NIBLOCK, LLC  
 2100 POWERS FERRY RD.  
 ST. 350,  
 ATLANTA, GA, 30339

MATCHLINE  
 MATCHLINE

SHEET 2  
 SHEET 3

11-15-19	CHANGE BMP TO SCM AS PER CITY OF CONCORD LEGAL DEPARTMENT	WCH
DATE	REVISION	BY



I, JULIA A McDONALD, CERTIFY THAT THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION AND THAT THE IT WAS PREPARED FOR THE PURPOSE OF ACQUISITION OF EASEMENTS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN,

*Julia A McDonald* 11/15/19  
 NC PLS L-3617 DATE

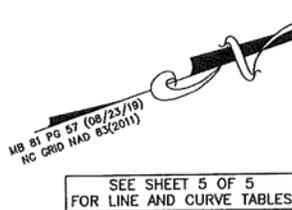


MATCHLINE SHEET 2  
 MATCHLINE SHEET 3

NOW OR FORMERLY  
 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

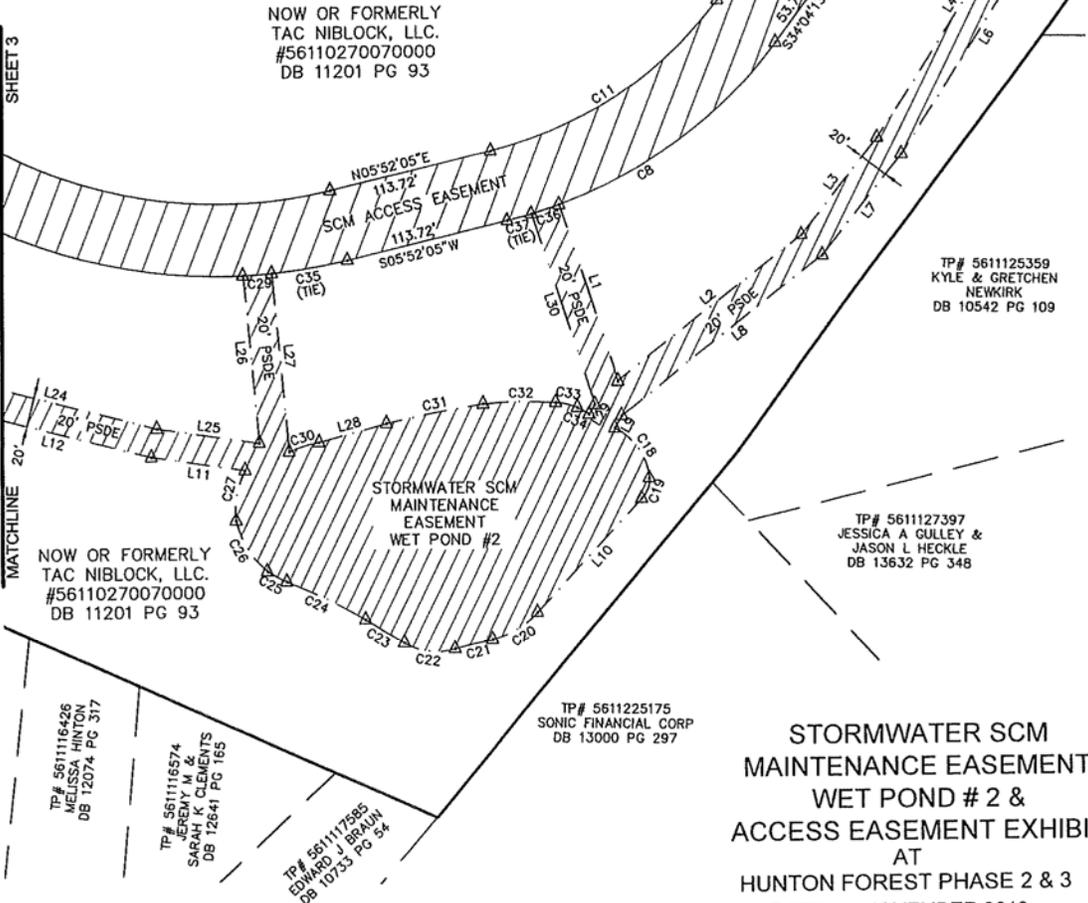
PREPARED BY  
**TIDEMARK**  
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 FORT MILL, SC 29715  
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- LEGEND:
- △ - COMPUTED POINT (NO MONUMENT SET)
  - EIR ○ - EXISTING IRON
  - SCM - STORMWATER CONTROL MEASURES
  - SCM MAINTENANCE EASEMENT (AREA: 71,464 SF = 1.645 AC)
  - SCM ACCESS EASEMENT (AREA: 6,343 SF = 0.146 AC)



SHEET 4  
 SHEET 3

MATCHLINE  
 MATCHLINE



NOW OR FORMERLY  
 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

NOW OR FORMERLY  
 TAC NIBLOCK, LLC.  
 #56110270070000  
 DB 11201 PG 93

TP# 5611125359  
 KYLE & GRETCHEN  
 NEWKIRK  
 DB 10542 PG 109

TP# 5611127397  
 JESSICA A GULLEY &  
 JASON L HECKLE  
 DB 13632 PG 348

TP# 5611225175  
 SONIC FINANCIAL CORP  
 DB 13000 PG 297

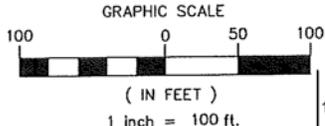
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 MELISSA HINTON  
 DB 12074 PG 317

TP# 5611116574  
 KENNETH M &  
 SARAH K CLEMENTS  
 DB 12041 PG 165

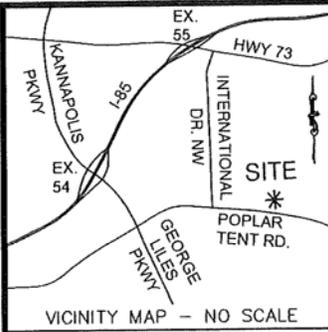
TP# 5611117585  
 EDWARD J BEALIN  
 DB 10753 PG 54

**STORMWATER SCM  
 MAINTENANCE EASEMENT  
 WET POND # 2 &  
 ACCESS EASEMENT EXHIBIT  
 AT  
 HUNTON FOREST PHASE 2 & 3**

DATE: 11 NOVEMBER 2019  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 PROPERTY OWNER:  
 TAC NIBLOCK, LLC  
 2100 POWERS FERRY RD.  
 ST. 350,  
 ATLANTA, GA, 30339



11-15-19	CHANGE BMP TO SCM AS PER CITY OF CONCORD LEGAL DEPARTMENT	WCH
DATE	REVISION	BY



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*Julia A. McDonald* 11/15/19  
 NC PLS L-3617 DATE



SEE SHEET 5 OF 5 FOR LINE AND CURVE TABLES

NOW OR FORMERLY NIBLOCK FARMS, LLC. #56019077690000 DB 10320 PG 1

NOW OR FORMERLY TAC NIBLOCK, LLC. #56110270070000 DB 11201 PG 93

MB 81 PG 57 (08/23/19)  
 NC GRID HAD 83(2011)

PREPARED BY

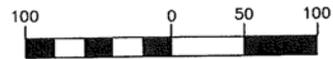


3556 CENTRE CIRCLE DRIVE, SUITE A  
 FORT MILL, SC 29715  
 OFFICE: 844-865-5263  
 WWW.TIDEMARKLAND.COM  
 NC FIRM C-4291

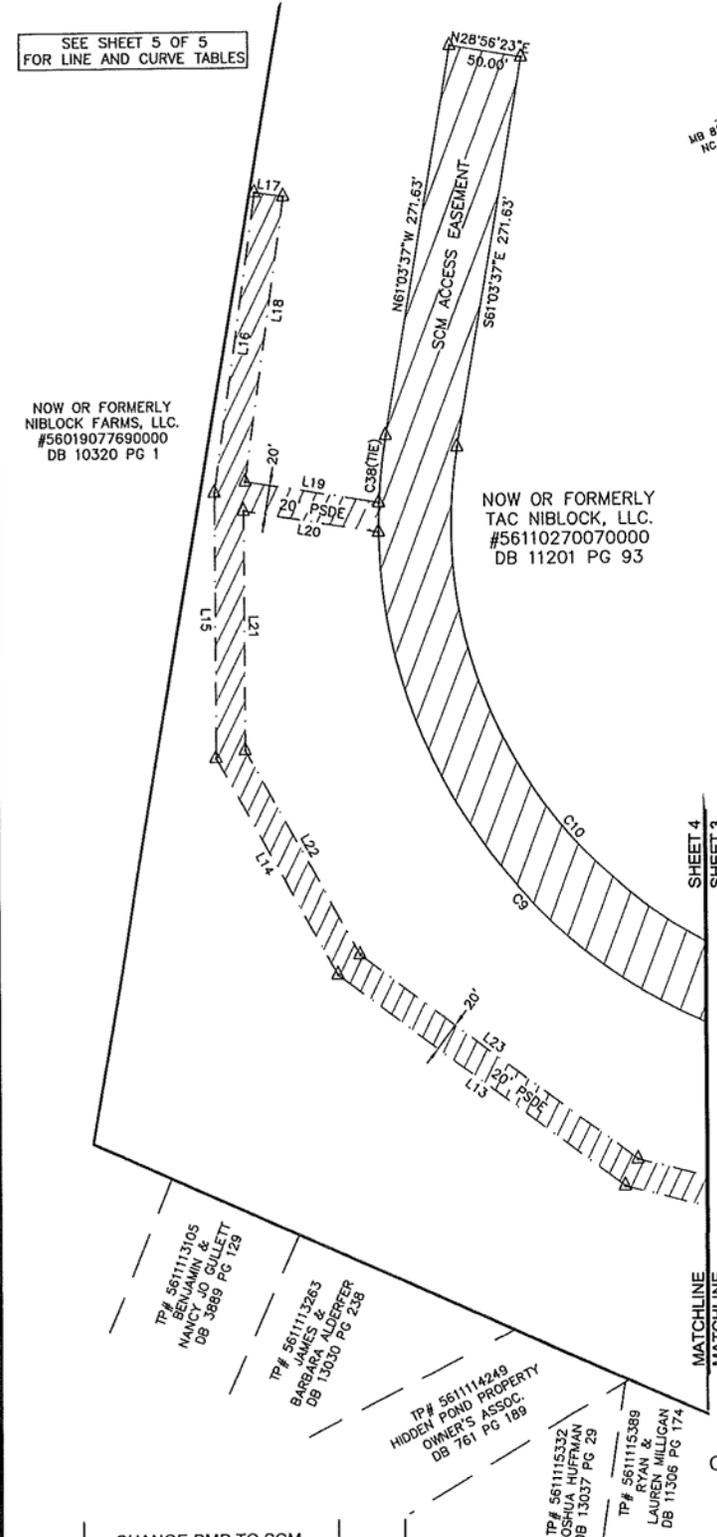
LEGEND:

- COMPUTED POINT (NO MONUMENT SET)
- EXISTING IRON
- SCM - STORMWATER CONTROL MEASURES
- SCM MAINTENANCE EASEMENT (AREA: 71,464 SF = 1.645 AC)
- SCM ACCESS EASEMENT (AREA: 6,343 SF = 0.146 AC)

GRAPHIC SCALE



( IN FEET )  
 1 inch = 100 ft.



TP# 5611113105  
 BENJAMIN &  
 NANCY JO GUILLET  
 DB 3889 PG 129

TP# 5611113263  
 JAMES &  
 BARBARA ALDERFER  
 DB 13030 PG 238

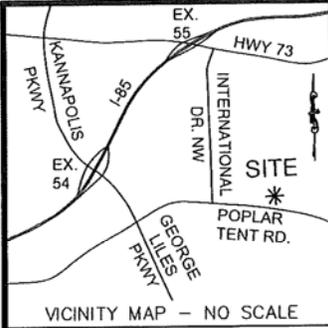
TP# 5611114249  
 HIDDEN POND PROPERTY  
 OWNER'S ASSOC.  
 DB 761 PG 189

TP# 5611115132  
 JOSHUA HUFMAN  
 DB 13037 PG 23

TP# 5611115389  
 RYAN &  
 LAUSEN MULLIGAN  
 DB 11306 PG 174

11-15-19	CHANGE BMP TO SCM AS PER CITY OF CONCORD LEGAL DEPARTMENT	WCH
DATE	REVISION	BY

**STORMWATER SCM MAINTENANCE EASEMENT WET POND # 2 & ACCESS EASEMENT EXHIBIT AT HUNTON FOREST PHASE 2 & 3**  
 DATE: 11 NOVEMBER 2019  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 PROPERTY OWNER:  
 TAC NIBLOCK, LLC  
 2100 POWERS FERRY RD.  
 ST. 350,  
 ATLANTA, GA, 30339



I, JULIA A McDONALD, CERTIFY THAT THIS EXHIBIT WAS PREPARED UNDER MY SUPERVISION AND THAT THE IT WAS PREPARED FOR THE PURPOSE OF ACQUISITION OF EASEMENTS ONLY, AND IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN,

*Julia A. McDonald* 11/15/19  
 NC PLS L-3617 DATE



Line Table		
LINE	DIRECTION	LENGTH
L1	S88°50'24"E	127.57'
L2	N18°29'03"W	160.73'
L3	N32°47'07"W	85.03'
L4	N38°17'50"W	219.13'
L5	N51°42'10"E	20.00'
L6	S38°17'50"E	220.09'
L7	S32°47'07"E	88.50'
L8	S18°29'03"E	175.48'
L9	S40°49'26"E	9.71'
L10	N28°06'27"W	106.25'
L11	S27°43'28"W	65.13'
L12	S33°48'23"W	164.18'
L13	S56°19'59"W	246.93'
L14	S80°07'27"W	169.91'
L15	N70°45'05"W	183.86'
L16	N62°46'02"W	208.83'
L17	N27°13'58"E	20.00'
L18	S62°46'02"E	198.40'
L19	N28°47'24"E	93.33'
L20	S28°47'24"W	94.21'
L21	S70°45'05"E	166.15'
L22	N80°07'27"E	160.50'
L23	N56°19'59"E	238.73'
L24	N33°48'23"E	159.13'
L25	N27°43'28"E	71.27'
L26	N76°04'00"W	114.03'
L27	S76°04'00"E	121.64'
L28	N04°16'30"E	48.10'
L29	N40°49'26"W	7.71'
L30	N88°50'24"W	137.25'

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C1	44.84'	530.00'	N87°37'05"E	44.83'
C2	101.58'	531.95'	S81°38'07"E	101.42'
C3	93.81'	525.00'	S73°49'10"E	93.68'
C4	310.89'	325.00'	S41°17'48"E	299.17'
C5	45.31'	30.00'	S57°09'27"E	41.12'
C6	59.94'	255.00'	N86°18'44"E	59.81'
C7	299.97'	325.00'	S60°30'43"E	289.44'
C8	226.54'	325.00'	S14°06'04"E	221.98'
C9	740.05'	375.00'	S62°24'14"W	625.67'
C10	641.38'	325.00'	N62°24'14"E	542.25'
C11	191.69'	275.00'	N14°06'04"W	187.83'
C12	253.82'	275.00'	N60°30'43"W	244.91'
C13	41.42'	205.00'	S87°15'31"W	41.35'
C14	20.01'	30.00'	S62°21'44"W	19.64'
C15	263.06'	275.00'	N41°17'48"W	253.14'
C16	117.37'	475.00'	N75°46'46"W	117.07'
C17	117.70'	708.32'	S87°34'58"W	117.57'
C18	43.59'	44.47'	N75°21'19"E	41.87'
C19	15.50'	19.18'	S49°26'50"E	15.08'
C20	36.88'	58.32'	S11°01'49"E	36.27'
C21	26.73'	301.22'	S06°01'30"W	26.72'
C22	36.38'	43.18'	S26°27'25"W	35.32'
C23	31.24'	418.93'	S50°37'24"W	31.24'
C24	60.23'	370.38'	S45°52'54"W	60.17'
C25	15.19'	108.54'	S47°18'54"W	15.18'
C26	42.17'	61.76'	S77°58'13"W	41.35'
C27	36.21'	57.03'	N60°22'22"W	35.61'
C28	20.22'	375.00'	S69°40'24"E	20.22'
C29	20.01'	375.00'	N15°29'07"E	20.01'
C30	21.66'	78.06'	N02°22'36"E	21.60'
C31	67.80'	772.11'	N08°33'52"E	67.78'
C32	50.57'	317.33'	N18°50'46"E	50.52'
C33	15.41'	41.53'	N32°48'04"E	15.32'
C34	9.22'	454.41'	N49°52'37"E	9.22'
C35	52.94'	375.00'	N09°54'44"E	52.90'
C36	20.00'	325.00'	N01°02'53"E	20.00'
C37	17.34'	325.00'	N04°20'23"E	17.34'
C38	46.26'	375.00'	N64°35'40"W	46.23'

STORMWATER SCM  
 MAINTENANCE EASEMENT  
 WET POND # 2 &  
 ACCESS EASEMENT EXHIBIT  
 AT  
 HUNTON FOREST PHASE 2 & 3

DATE: 11 NOVEMBER 2019  
 CITY OF CONCORD, CABARRUS COUNTY, NC  
 PROPERTY OWNER:  
 TAC NIBLOCK, LLC  
 2100 POWERS FERRY RD.  
 ST. 350,  
 ATLANTA, GA, 30339

PREPARED BY



3556 CENTRE CIRCLE DRIVE, SUITE A  
 FORT MILL, SC 29715  
 OFFICE: 844-865-5263  
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 NC FIRM C-4291

11-15-19	CHANGE BMP TO SCM AS PER CITY OF CONCORD LEGAL DEPARTMENT	WCH
DATE	REVISION	BY



### Wet Detention Basin Inspection and Maintenance Plan

Grantor agrees to keep a maintenance record on this SCM. This maintenance record will be kept in a log in a known set location. Any deficient SCM elements noted in the inspection will be corrected, repaired or replaced immediately. These deficiencies can affect the integrity of structures, safety of the public, and the removal efficiency of the SCM.

The wet detention basin system is defined as the wet detention basin, pretreatment including forebays and the vegetated filter if one is provided.

This system (check one):

does  does not incorporate a vegetated filter at the outlet.

This system (check one):

does  does not incorporate pretreatment other than a forebay.

Important maintenance procedures:

- Immediately after the wet detention basin is established, the plants on the vegetated shelf and perimeter of the basin should be watered twice weekly if needed, until the plants become established (commonly six weeks).
- No portion of the wet detention pond should be fertilized after the first initial fertilization that is required to establish the plants on the vegetated shelf.
- Stable groundcover should be maintained in the drainage area to reduce the sediment load to the wet detention basin.
- If the basin must be drained for an emergency or to perform maintenance, the flushing of sediment through the emergency drain should be minimized to the maximum extent practical.
- Once a year, a dam safety expert should inspect the embankment.

After the wet detention pond is established, it should be inspected **once a month and within 24 hours after every storm event greater than 1.0 inches**. Records of inspection and maintenance should be kept in a known set location and must be available upon request.

Inspection activities shall be performed as follows. Any problems that are found shall be repaired immediately.

SCM element:	Potential problem:	How I will remediate the problem:
The entire SCM	Trash/debris is present.	Remove the trash/debris.
The perimeter of the wet detention basin	Areas of bare soil and/or erosive gullies have formed.	Regrade the soil if necessary to remove the gully, and then plant a ground cover and water until it is established. Provide lime and a one-time fertilizer application.
	Vegetation is too short or too long.	Maintain vegetation at a height of approximately six inches.

<b>SCM element:</b>	<b>Potential problem:</b>	<b>How I will remediate the problem:</b>
<b>The inlet device: pipe or swale</b>	The pipe is clogged.	Unclog the pipe. Dispose of the sediment off-site.
	The pipe is cracked or otherwise damaged.	Replace the pipe.
	Erosion is occurring in the swale.	Regrade the swale if necessary to smooth it over and provide erosion control devices such as reinforced turf matting or riprap to avoid future problems with erosion.
<b>The forebay</b>	Sediment has accumulated to a depth greater than the original design depth for sediment storage.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Erosion has occurred.	Provide additional erosion protection such as reinforced turf matting or riprap if needed to prevent future erosion problems.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
<b>The vegetated shelf</b>	Best professional practices show that pruning is needed to maintain optimal plant health.	Prune according to best professional practices
	Plants are dead, diseased or dying.	Determine the source of the problem: soils, hydrology, disease, etc. Remedy the problem and replace plants. Provide a one-time fertilizer application to establish the ground cover if a soil test indicates it is necessary.
	Weeds are present.	Remove the weeds, preferably by hand. If pesticide is used, wipe it on the plants rather than spraying.
<b>The main treatment area</b>	Sediment has accumulated to a depth greater than the original design sediment storage depth.	Search for the source of the sediment and remedy the problem if possible. Remove the sediment and dispose of it in a location where it will not cause impacts to streams or the SCM.
	Algal growth covers over 50% of the area.	Consult a professional to remove and control the algal growth.
	Cattails, phragmites or other invasive plants cover 50% of the basin surface.	Remove the plants by wiping them with pesticide (do not spray).

SCM element:	Potential problem:	How I will remediate the problem:
<b>The embankment</b>	Shrubs have started to grow on the embankment.	Remove shrubs immediately.
	Evidence of muskrat or beaver activity is present.	Use traps to remove muskrats and consult a professional to remove beavers.
	A tree has started to grow on the embankment.	Consult a dam safety specialist to remove the tree.
	An annual inspection by an appropriate professional shows that the embankment needs repair.	Make all needed repairs.
<b>The outlet device</b>	Clogging has occurred.	Clean out the outlet device. Dispose of the sediment off-site.
	The outlet device is damaged	Repair or replace the outlet device.
<b>The receiving water</b>	Erosion or other signs of damage have occurred at the outlet.	Contact the local NC Division of Water Quality Regional Office, or the 401 Oversight Unit at 919-733-1786.

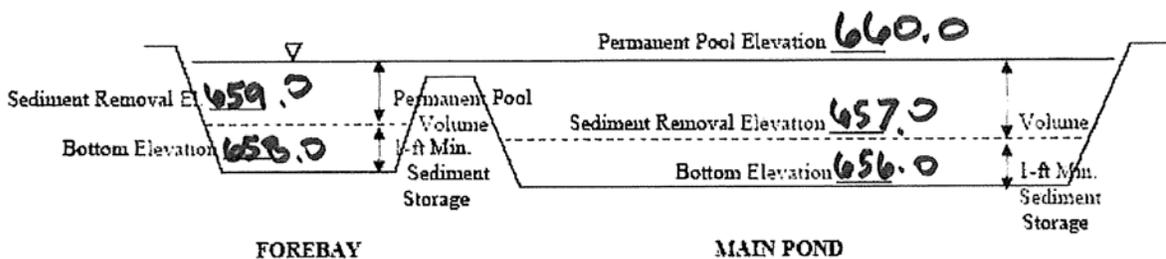
The measuring device used to determine the sediment elevation shall be such that it will give an accurate depth reading and not readily penetrate into accumulated sediments.

**Elevations used are approved design or equivalent as-built elevations.**  
**(Indicate which is being indicated in this document.)**

When the permanent pool depth reads 3.0 feet in the main pond, the sediment shall be removed.

When the permanent pool depth reads 1.0 feet in the forebay, the sediment shall be removed.

**BASIN DIAGRAM**  
*(fill in the blanks)*



**Consent of Lienholder**

Flagstar Bank, FSB ("Lienholder"), hereby consents to the grant of the foregoing Stormwater Control Measures (SCM), Access Easement and Maintenance Agreement by TAC Niblock, LLC, a North Carolina limited liability company, filed in Deed Book \_\_\_\_\_ at Page \_\_\_\_\_, and joins in the execution hereof solely as Lienholder and hereby does agree that in the event of the foreclosure of the Future Advances Deed of Trust, Assignment of Rents and Leases, Security Agreement, and Fixture Filing Collateral is or Includes Fixtures and any amendments thereto recorded in Deed Book 13638, Page 156, Intercreditor Agreement filed in Deed Book 13638, Page 197, Assignment of Rights Under Covenants, Conditions and Restrictions, Sales Agreements, Permits, and Development Documents recorded in Deed Book 13638, Page 217, UCC Financing Statement recorded in Deed Book 13638, Page 226. UCC Financing Statement Amendments recorded in Deed Book and Pages 13758/250, 13770/133, 13770/156, 13780/83 and 13810/257, all of the Cabarrus County Register of Deeds Office or other sale of said property described in the aforesaid documents under judicial or non-judicial proceedings, the same shall be sold subject to said Agreement and Easement.

SIGNED AND EXECUTED this 15<sup>th</sup> day of November, 2019.

Flagstar Bank, FSB

By: [Signature], VP  
Title

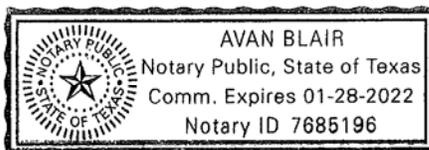
STATE OF Texas  
COUNTY OF Harris

I, Avan Blair, a Notary Public in and for Harris County and State of Texas, do hereby certify that Drew Seilagyi, as Vice President of Flagstar Bank, FSB personally appeared before me this day and acknowledged to me voluntarily signed the foregoing document for the purpose stated therein.

WITNESS my hand and Notarial Seal this the 15<sup>th</sup> day of November, 2019.

My Commission Expires: 1-28-22 [Signature]  
Notary Public

4846-5603-4410, v. 1



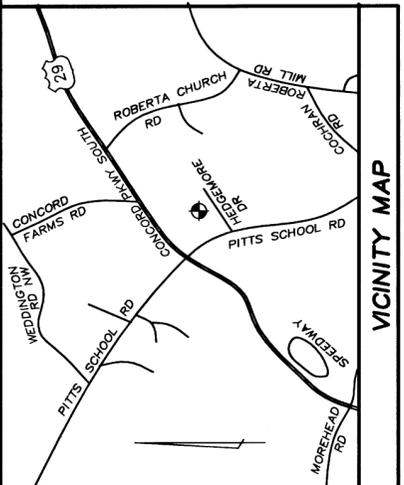


**MEMORADUM**

DATE: Monday, November 25, 2019  
 TO: Sue Hyde, Director of Engineering  
 FROM: Gary Stansbury, Construction Manager  
 SUBJECT: Roadway Acceptance  
 PROJECT NAME: Settlers Landing Townhomes PH 2 MP 2  
 PROJECT NUMBER: 2015-050  
 DEVELOPER: Settlers Landing Development, LLC  
 COUNCIL ACCEPTANCE DATE: Thursday, December 12, 2019  
 ONE-YEAR WARRANTY DATE: Friday, December 11, 2020

Street	Length in LF	ROW Width	Plat
Halton Crossing Drive SW	730.00	60.00	PH 2 MP 1
Ascot Commons	131.00	60.00	PH 2 MP 1

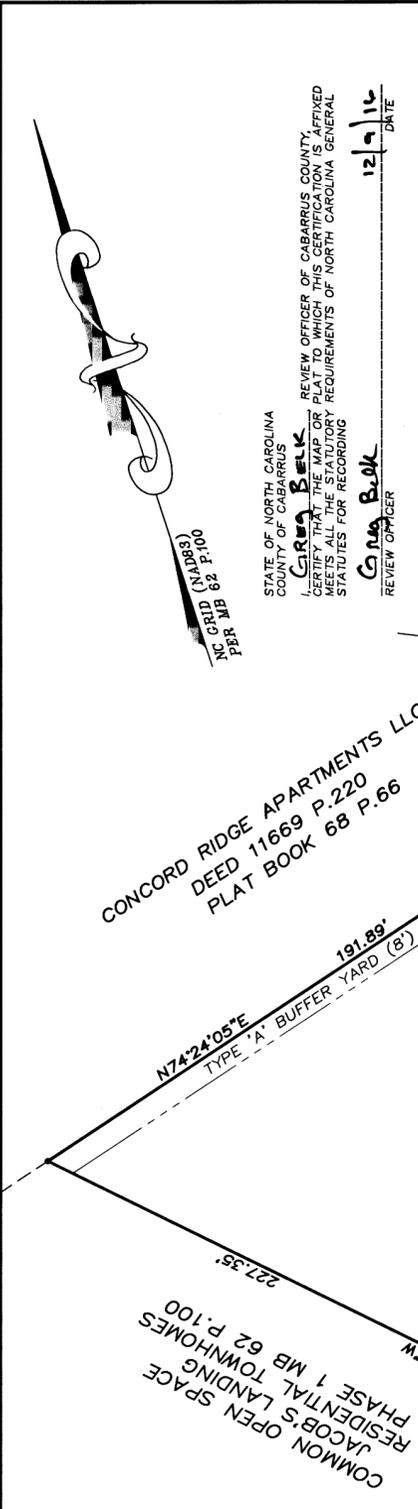
See Attached Plat



VICINITY MAP

- NOTES:**
- TAX PARCEL ID #5509-42-7825 & 5509-53-4272
  - ZONING CODE C-2
  - NEW IRON REBAR SET AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED.
  - THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF CABARRUS COUNTY WHICH HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
  - PROPOSED IMPERVIOUS AREA FOR RESIDENTIAL TOWNHOMES PHASE 2 IS 90,455 SQ. FT. (24,900 S.F. OF WHICH IS COVERED BY EXISTING BUILDINGS, 15,980 S.F. DRIVEWAYS) AS PER MATTHEW LOMWER TRIANGLE SITE DESIGN.
  - SUBJECT PROPERTY IS LOCATED ZONE X (AREAS CHANGE FLOODPLAIN AS PER FEMA & F.A.R.M. NO. 3710509004, EFFECTIVE DATE NOVEMBER 5, 2008.
  - FOR REFERENCE SEE MAP BOOK 62 PAGE 100, 101 AND DEED 10956 PAGE 40.
  - OTHER EASEMENTS OR RECORDS OR IMPLIED MAY EXIST WHICH MAY NOT BE SHOWN.
  - THIS PLAT CREATES AND RECORDS 60 LOTS AND 11 COMMON OPEN SPACES.

CURVE	LENGTH	RADIUS	CHORD	CHD. BRNG
C1	20.64	205.00	166.38	93.70°E
C2	20.64	205.00	166.38	93.70°E
C3	20.74	205.00	166.38	93.70°E
C4	20.03	205.00	166.38	93.70°E
C5	20.03	205.00	166.38	93.70°E
C6	17.46	205.00	166.38	93.70°E
C7	0.68	255.00	0.68	172°59'52"E
C8	20.02	255.00	20.02	172°59'52"E
C9	20.02	255.00	20.01	172°59'52"E
C10	20.64	255.00	20.64	172°59'52"E
C11	20.66	255.00	20.65	172°59'52"E
C12	20.66	255.00	20.65	172°59'52"E
C13	20.09	255.00	20.08	172°59'52"E
C14	20.01	255.00	20.01	172°59'52"E
C15	20.01	255.00	20.01	172°59'52"E
C16	20.01	255.00	20.01	172°59'52"E
C17	20.01	255.00	20.01	172°59'52"E
C18	20.01	255.00	20.01	172°59'52"E
C19	20.01	255.00	20.01	172°59'52"E
C20	20.01	255.00	20.01	172°59'52"E
C21	20.66	255.00	20.65	172°59'52"E
C22	20.66	255.00	20.65	172°59'52"E
C23	20.09	255.00	20.08	172°59'52"E
C24	20.01	255.00	20.01	172°59'52"E
C25	12.20	30.00	12.11	54°27'13"W
C26	34.96	30.00	33.02	50°25'15"W
C27	30.00	30.00	30.00	90°00'00"W
C28	43.13	30.00	36.75	52°10'10"W
C29	5.00	30.00	4.99	170°46'43"E



**CONCORD RIDGE APARTMENTS LLC**  
DEED 11669 P.220  
PLAT BOOK 68 P.66

**SETTLERS LANDING DEVELOPMENT, LLC**  
DEED 10956 P.40

**COMMON OPEN SPACE AMENITY AREA NATURAL RECREATION AREA**  
72,613 Sq Ft or 1.67 Ac.

**CONCORD RIDGE APARTMENTS LLC**  
DEED 11669 P.220  
PLAT BOOK 68 P.66

**CERTIFICATE OF CONFORMITY WITH PLANS AND SPECIFICATIONS**  
CITY OF CONCORD, SETTLERS LANDING RESIDENTIAL TOWNHOMES PHASE 2 (SUBDIVISION NAME)  
HALTON CROSSING, ALDERBURGH ROAD, CAMBRIDGE COMMONS (STREET NAMES)  
SUBDIVIDER: SETTLERS LANDING DEVELOPMENT, LLC  
I, HEREBY, TO THE BEST OF MY KNOWLEDGE, ABILITY AND BELIEF, CERTIFY THAT ALL STREETS, STORM DRAINAGE WATER AND SEWER WORK TO BE PERFORMED ON THIS SUBDIVISION SHALL CONFORM WITH ALL APPLICABLE ORDINANCES, CROSS-SECTION REPRESENTATIONS AND WILL CONFORM WITH LINES, GRADES, CROSS-SECTION DIMENSIONS, AND MATERIAL REQUIREMENTS WHICH ARE SHOWN ON AND INDICATED IN THE PLANS WHICH HAVE BEEN REVIEWED AND APPROVED BY THE DIVISION ADMINISTRATOR OR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION.

I ALSO ACKNOWLEDGE THAT FALSIFICATION OF THE ABOVE CERTIFICATION MAY SUBJECT ME TO PENALTIES INCLUDING BUT NOT LIMITED TO SECTION 100 AND G.S. 15B-102.6 AND THE CODE OF ORDINANCES OF THE CITY OF CONCORD.

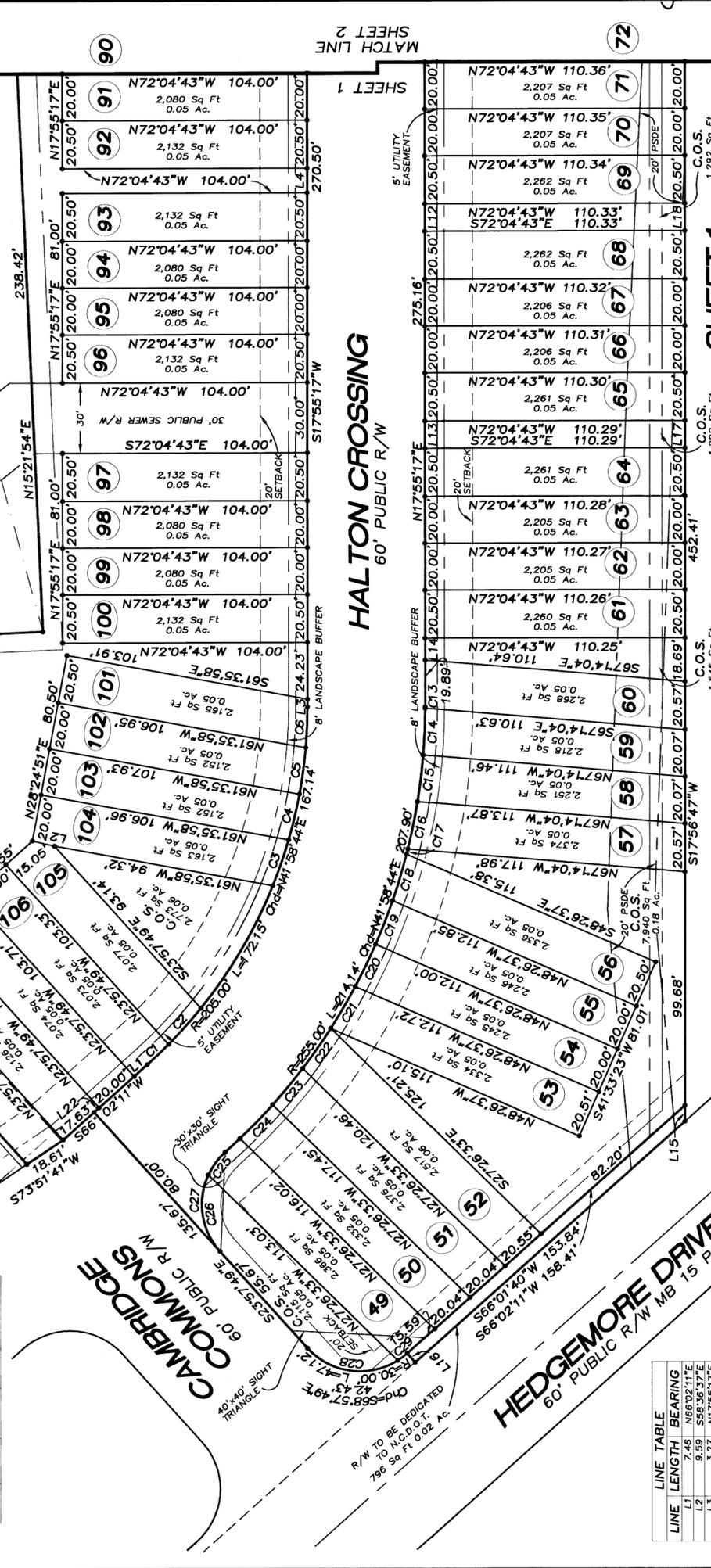
SPONSOR:  
**MATTHEW E. LOMWER**  
REGISTERED PROFESSIONAL ENGINEER  
REGISTRATION NO. 24434  
DATE 10/31/10

SEAL  
NORTH CAROLINA PROFESSIONAL SEAL  
24434  
MATTHEW E. LOMWER

**CONCORD RIDGE APARTMENTS LLC**  
DEED 11669 P.220  
PLAT BOOK 68 P.66

JAS 21 (NAD83)  
N=51,960.096  
E=505,974.284  
ESP=0.99 MB  
(THE P.F.100)

N02°48'07"E  
254.52'  
N07°07'41"E  
6995.84' (GRND)  
N03°55'17"E  
81.00'  
N17°55'17"E  
20.50'



**HALTON CROSSING**  
60' PUBLIC R/W

**CONCORD RIDGE APARTMENTS LLC**  
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DEED 10956 P.40

**COMMON OPEN SPACE AMENITY AREA NATURAL RECREATION AREA**  
72,613 Sq Ft or 1.67 Ac.

**CONCORD RIDGE APARTMENTS LLC**  
DEED 11669 P.220  
PLAT BOOK 68 P.66

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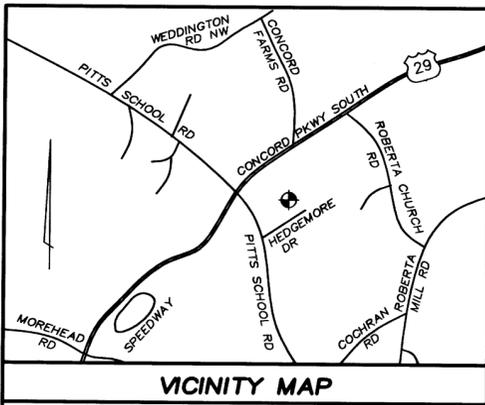
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DEED 11669 P.220  
PLAT BOOK 68



CERTIFICATE OF OWNERSHIP AND OFFER OF DEDICATION

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE CITY OF CONCORD, AND THAT I HEREBY SUBMIT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAN AS STREETS, SIDEWALKS, GREENWAYS, RIGHTS OF WAY, EASEMENTS, AND/OR OPEN SPACE AND/OR PARKS, EXCEPT ANY OF THOSE USES SPECIFICALLY INDICATED AS PRIVATE, AND I FURTHER DEDICATE ALL SANITARY SEWER, STORMWATER DRAINAGE AND WATER LINES THAT ARE LOCATED IN ANY PUBLIC UTILITY EASEMENT OR RIGHT OF WAY AND CERTIFY THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL ACCEPTED BY THE CITY OF CONCORD, AND FURTHER THAT I HEREBY GUARANTEE THAT I WILL CORRECT DEFECTS OR FAILURE OF IMPROVEMENTS IN SUCH AREAS FOR A PERIOD OF ONE YEAR COMMENCING AFTER FINAL ACCEPTANCE OF REQUIRED IMPROVEMENTS. ANY STREETS INDICATED AS PRIVATE SHALL BE OPEN TO PUBLIC USE, BUT SHALL BE PRIVATELY MAINTAINED. SAID DEDICATION SHALL BE IRREVOCABLE PROVIDED DEDICATIONS OF EASEMENTS FOR STORM DRAINAGE, WHETHER INDICATED AS PRIVATE OR PUBLIC, ARE NOT MADE TO THE CITY OF CONCORD BUT ARE IRREVOCABLY MADE TO THE SUBSEQUENT OWNERS OF ANY AND ALL PROPERTIES SHOWN HEREON FOR THEIR USE AND BENEFIT UNLESS SPECIFICALLY DESIGNATED A DRAINAGE EASEMENT TO THE CITY OF CONCORD.

11/2/16 DATE  
 [Signature] OWNER

CERTIFICATE OF STREET, WATER, AND SEWER SYSTEM APPROVAL AND OTHER IMPROVEMENTS.

I HEREBY CERTIFY THAT ALL PUBLICLY MAINTAINED STREETS, STORM DRAINAGE SYSTEMS, WATER AND SEWER SYSTEMS AND OTHER PUBLICLY MAINTAINED IMPROVEMENTS AND ANY PRIVATELY MAINTAINED WATER QUALITY "BEST MANAGEMENT PRACTICE" SHOWN ON THIS PLAN HAVE BEEN DESIGNED AND INSTALLED, OR THEIR INSTALLATION GUARANTEED, IN AN ACCEPTABLE MANNER AND ACCORDING TO SPECIFICATION AND STANDARDS OF CONCORD AND THE STATE OF NORTH CAROLINA.

M. Sue Hinds 12/2/16 DATE  
 DIRECTOR OF ENGINEERING

NORTH CAROLINA COUNTY

I, \_\_\_\_\_, A NOTARY PUBLIC FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE DUE EXECUTION OF THE FOREGOING INSTRUMENT.  
 WITNESS MY HAND AND OFFICIAL SEAL THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016  
 MY COMMISSION EXPIRES \_\_\_\_\_  
 \_\_\_\_\_ NOTARY PUBLIC

CERTIFICATE OF FINAL PLAT APPROVAL

I HEREBY CERTIFY THAT THIS PLAT IS IN COMPLIANCE WITH THE CITY OF CONCORD CODE OF ORDINANCES. THE FINAL PLAT FOR SETTLER'S LANDING RESIDENTIAL TOWNHOMES PHASE 2 WAS APPROVED BY THE CONCORD PLANNING & ZONING COMMISSION/ADMINISTRATOR WITH THE CONFORMANCE OF THE DEVELOPMENT REVIEW COMMITTEE AT THEIR MEETING ON December 9, 2015.  
 12/9/16 DATE  
 [Signature] DEVELOPMENT SERVICES DIRECTOR

CERTIFICATE OF FEE PAYMENT

I HEREBY CERTIFY THAT ALL FEES FOR SETTLER'S LANDING RESIDENTIAL TOWNHOMES PHASE 2 MAP 1 SUBDIVISION HAVE BEEN PAID, OR THAT THE FEES ARE NOT APPLICABLE.  
 [Signature] FINANCE DIRECTOR 12/14/16

**SITE DATA**

TOTAL ACREAGE	8.72
DEDICATED AREA HEDGEMORE DR.	0.02
ACREAGE IN LOTS	3.03
ACREAGE IN C.O.S	4.67
ACREAGE IN STREET R/W	1.00
HALTON CROSSING	0.84
ASCOT COMMONS	0.16
TOTAL L.F. OF STREETS	861
HALTON CROSSING	730
ASCOT COMMONS	131

**ABBREVIATIONS**

N.I.R.	NEW IRON REBAR
E.I.R.	EXISTING IRON REBAR
PUE	PRIVATE UTILITY ESM'T.
COS	COMMON OPEN SPACE
PSDE	PRIVATE STORM DRAIN EASEMENT

**SETBACKS**

FRONT SETBACK:	20'
REAR YARD:	20'

**CURVE TABLE**

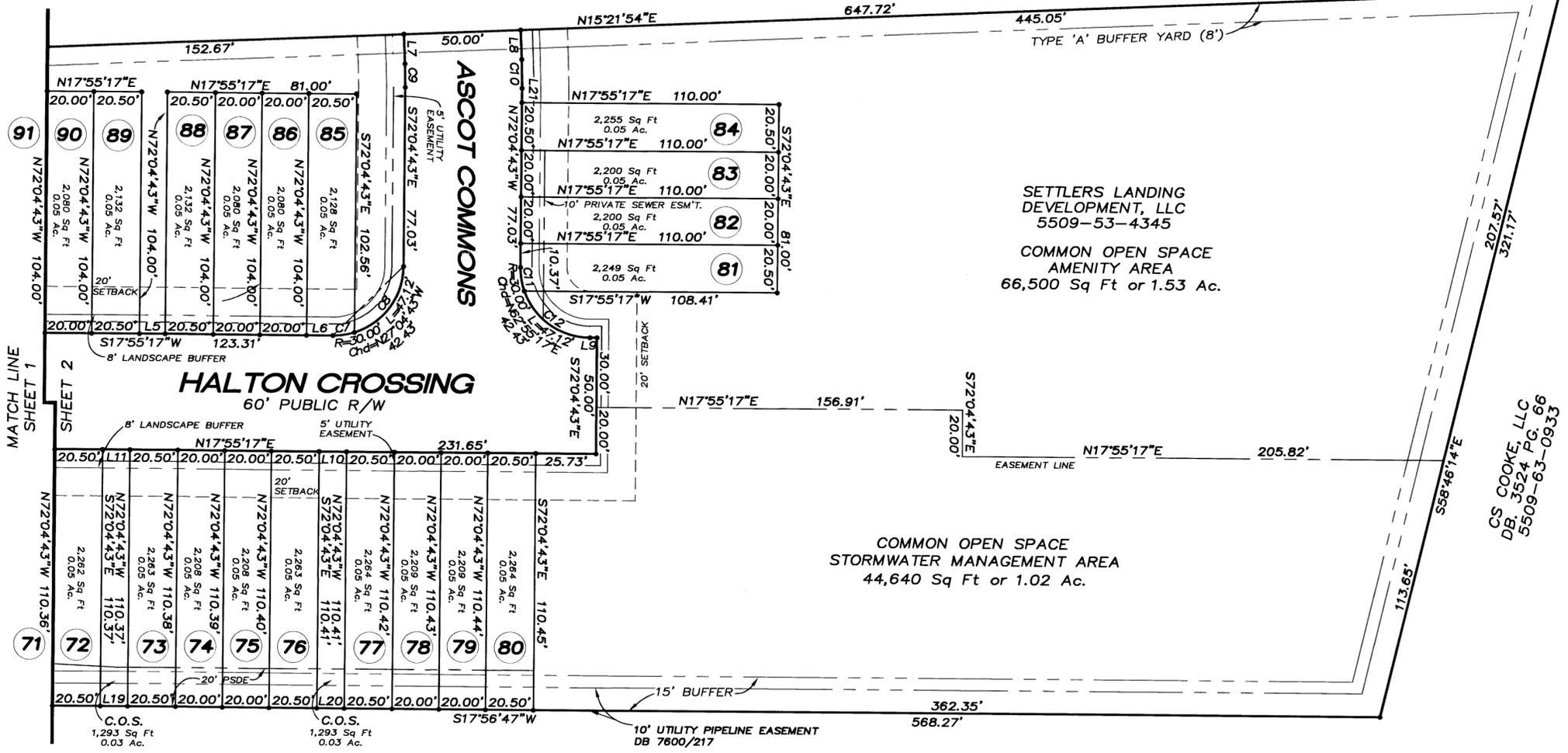
CURVE	LENGTH	RADIUS	CHORD	CHD.BRNG
C7	9.34	30.00	9.30	N09°00'23"E
C8	37.79	30.00	35.34	N35°59'37"W
C9	10.15	225.00	10.15	N73°22'16"W
C10	12.41	275.00	12.41	N73°22'16"W
C11	10.33	30.00	10.28	S81°56'47"E
C12	36.79	30.00	34.53	N53°03'13"E

**LINE TABLE**

LINE	LENGTH	BEARING
L5	11.00	N17°55'17"E
L6	11.31	N17°55'17"E
L7	12.69	N74°39'49"W
L8	12.66	S74°39'49"E
L9	3.00	N17°55'17"E
L10	11.71	S17°55'17"W
L11	11.71	S17°55'17"W
L19	11.71	S17°56'47"W
L20	11.71	S17°56'47"W
L21	6.16	S72°04'43"E

CONCORD RIDGE APARTMENTS LLC  
 DEED 11669 P.220  
 PLAT BOOK 68 P.66

NC GRID (NAD83)  
 PER MB 62 P.100



SETTLERS LANDING DEVELOPMENT, LLC  
 5509-53-4345

COMMON OPEN SPACE AMENITY AREA  
 66,500 Sq Ft or 1.53 Ac.

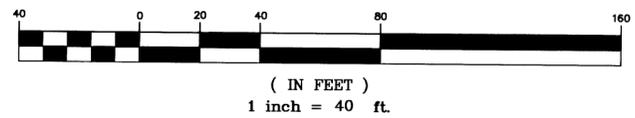
COMMON OPEN SPACE STORMWATER MANAGEMENT AREA  
 44,640 Sq Ft or 1.02 Ac.

CS COOKE, LLC  
 DB. 3524 PG. 66  
 5509-63-0933

CS COOKE, LLC  
 DB. 3524 PG. 66  
 5509-63-0933

FILED Dec 09, 2016 09:50 am  
 BOOK 00072  
 PAGE 0043 THRU 0043  
 INSTRUMENT # 32527  
 EXCISE TAX \$0.00  
 FILED CABARRUS COUNTY NC  
 WAYNE NIXON REGISTER OF DEEDS

GRAPHIC SCALE



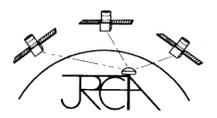
SHEET 2

SUBDIVISION FINAL PLAT FOR  
**SETTLER'S LANDING RESIDENTIAL TOWNHOMES PHASE 2 MAP 2**  
 OWNER: SETTLERS LANDING DEVELOPMENT LLC  
 DEED 10956 P.40



CITY OF CONCORD NO.2 TOWNSHIP  
 CABARRUS COUNTY NORTH CAROLINA

**JACK R. CHRISTIAN + ASSOCIATES**  
 -SURVEYING-  
 PHONE (704) 596-2214 FAX (704) 596-2338  
 7811 OLD CONCORD RD. CHARLOTTE, NORTH CAROLINA 28213



**CERTIFICATION:**  
 I, JOHN A. CHRISTIAN II, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 10956 PAGE 40 OF THE PUBLIC REGISTRY FOR MECKLENBURG COUNTY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 9th DAY OF SEPTEMBER, A.D., 2016.

[Signature]  
 JOHN A. CHRISTIAN II, PLS #L-4897

DWN:	JRC	CHECKED BY:	JAC II	DATE:	AUGUST 23, 2016
FB:	EDC	FILE NAME:	SLRPP2M3B	SCALE:	1"=40'
				FILE:	16-08-24

ORD.

CAPITAL PROJECT ORDINANCE AMENDMENT  
**Stormwater Projects**

BE IT ORDAINED by the City Council of the City of Concord, North Carolina that pursuant to Section 13.2 Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby ordained/amended:

SECTION 1. The projects authorized and amended are Stormwater Projects.

SECTION 2. The City Manager is hereby authorized to proceed with the implementation and amendments of the projects within the terms of the plans and specifications for the projects.

SECTION 3. The following revenues are anticipated to be available to the City of Concord for the project:

Account	Title	<u>Revenues</u>		
		Current Budget	Amended Budget	(Decrease) Increase
474-4501600				
474-4501600	From Stormwater	\$8,861,262	\$9,049,485	\$188,223
Total				<u>\$188,223</u>

SECTION 4. The following amounts are appropriated for the projects:

Account	Title	<u>Expenses/Expenditures</u>		
		Current Budget	Amended Budget	(Decrease) Increase
7103-5811082				
7103-5811082	Future Projects	\$101,777	\$0	(\$101,777)
7102-5811201				
7102-5811201	Stream Restoration	\$2,157,765	\$2,447,765	\$290,000
Total				<u>\$188,223</u>

SECTION 4. Accounting records are to be maintained by the Finance Department of the City of Concord in such manner as (1) to provide all information required by the grant agreement and other agreements executed or to be executed with the various parties involved with the project; and (2) to comply with the Local Government Budget and Fiscal Control Act of the State of North Carolina.

SECTION 5. Within five (5) days after adopted, copies of this grant/project amendment shall be filed with the City Manager, Finance Director, and City Clerk for direction in carrying out this project.

SECTION 6. The Finance Director is directed to report on the financial status of this project in accordance with the existing City policy. She shall also report to the City Manager any unusual occurrences.

Duly adopted by the City Council of the City of Concord, North Carolina this 12th day of December, 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST: \_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolcznski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
600-4406000	Approp. Retained Earnings	\$2,592	\$190,815	\$188,223
<b>Total</b>				<b>\$188,223</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
7100-5987000	Transfer to Project	\$941,200	\$1,129,423	\$188,223
<b>Total</b>				<b>\$188,223</b>

Reason: To transfer additional funds to the stream restoration project per the new projected costs to complete the project.

Adopted this 12th day of December, 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C Dusch, Mayor

ATTEST: \_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City Attorney

AN ORDINANCE TO AMEND FY 2019-2020 BUDGET ORDINANCE

WHEREAS, the City Council of the City of Concord, North Carolina did on the 13<sup>th</sup> day of June, 2019, adopt a City budget for the fiscal year beginning July 1, 2019 and ending on June 30, 2020, as amended; and

WHEREAS, it is appropriate to amend the expense/expenditures and the revenue accounts in the funds listed for the reason stated;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Concord that in accordance with the authority contained in G.S. 159-15, the following accounts are hereby amended as follows:

Account	Title	<u>Revenues</u>		(Decrease) Increase
		Current Budget	Amended Budget	
100-4353100	Insurance Reimbursement	0	78,844	78,844
	<b>Total</b>			<b>78,844</b>

Account	Title	<u>Expenses/Expenditures</u>		(Decrease) Increase
		Current Budget	Amended Budget	
4310-5540000	Vehicles – Capital	944,733	998,529	53,796
4550-5362000	Accident Repairs	0	16,785	16,785
4513-5299000	Supplies – Departmental	112,021	118,084	6,063
4510-5299000	Supplies – Departmental	37,363	39,563	2,200
	<b>Total</b>			<b>78,844</b>

Reason: To appropriate insurance proceeds for the repair/replacement of vehicle/damaged property.

Adopted this 12th day of December, 2019.

CITY COUNCIL  
CITY OF CONCORD  
NORTH CAROLINA

\_\_\_\_\_  
William C. Dusch, Mayor

ATTEST: \_\_\_\_\_  
Kim Deason, City Clerk

\_\_\_\_\_  
VaLerie Kolczynski, City Attorney

**CITY OF CONCORD**

**Summary of Releases, Refunds and Discoveries for the Month of October 2019**

<b>RELEASES</b>		
CITY OF CONCORD	\$	<b>5,831.44</b>
CONCORD DOWNTOWN	\$	-

<b>REFUNDS</b>		
CITY OF CONCORD	\$	-
CONCORD DOWNTOWN	\$	-

<b>DISCOVERIES</b>							
CITY OF CONCORD							
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties	
2014	0	133,127	133,127	0.0048	639.01	383.40	
2015	0	127,250	127,250	0.0048	610.80	305.41	
2016	0	1,066,567	1,066,567	0.0048	5,119.52	2,047.82	
2017	0	983,484	983,484	0.0048	4,720.71	1,408.72	
2018	0	1,067,363	1,067,363	0.0048	5,123.35	1,021.15	
2019	310,370	1,293,043	1,603,413	0.0048	7,696.38	620.68	
<b>Total</b>	<b>310,370</b>	<b>4,670,834</b>	<b>4,981,204</b>		<b>\$ 23,909.78</b>	<b>\$ 5,787.18</b>	
DOWNTOWN							
TaxYear	Real	Personal	Total	Rate	Calculated	Penalties	
2014	0	3,811	3,811	0.0023	8.77	0.00	
2015	0	5,075	5,075	0.0023	11.67	0.00	
2016	0	4,626	4,626	0.0023	10.64	0.00	
2017	0	4,893	4,893	0.0023	11.24	0.00	
2018	0	14,592	14,592	0.0023	33.57	0.00	
2019	0	28,724	28,724	0.0023	66.07	0.52	
<b>Total</b>	<b>0</b>	<b>61,721</b>	<b>61,721</b>		<b>\$ 141.96</b>	<b>\$ 0.52</b>	

**Tax Report for Fiscal Year 2019-2020****FINAL REPORT****October****Property Tax Receipts- Munis**

2019 BUDGET YEAR	4,724,593.42
2018	15,355.77
2017	4,713.77
2016	1,153.30
2015	1,280.20
2014	772.77
2013	197.13
2012	149.88
2011	348.66
2010	104.81
Prior Years	114.57
Interest	3,843.97
Refunds	
	<hr/>
	4,752,628.25

**Vehicle Tax Receipts- County**

2019 BUDGET YEAR	362,693.92
2018	
2017	228.24
2016	
2015	
2014	
2013	
Prior Years	28.56
Penalty & Interest	4,064.31
Refunds	
	<hr/>
	367,015.03

**Fire District Tax - County**

2019 BUDGET YEAR	19,360.35
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Less: Collection Fee from County

<b>Net Ad Valorem Collections</b>	<hr/>
	5,139,003.63

423:Vehicle Tag Fee-Transportation Impr Fund	58,870.00
100:Vehicle Tag Fee	58,870.00
292:Vehicle Tag Fee-Transportation Fund	58,870.00
Less Collection Fee - Transit	
<b>Net Vehicle Tag Collection</b>	<hr/>
	176,610.00

Privilege License	60.00
Prepaid Privilege Licenses	
Privilege License interest	
<b>Total Privilege License</b>	<hr/>
	60.00

Oakwood Cemetery current	2,258.34
Oakwood Cemetery endowment	1,000.00
Rutherford Cemetery current	3,758.34
Rutherford Cemetery endowment	
West Concord Cemetery current	2,525.00
West Concord Cemetery endowment	
<b>Total Cemetery Collections</b>	<hr/>
	9,541.68

<b>Total Collections</b>	<hr/>
	\$ 5,325,215.31

<b>Current Year</b>	
<b>Original Scroll</b>	
Levy	
Penalty	
Adjustments	
Public Service	
Levy	
Penalty	
Discoveries/Annex	7,696.39
Discovery Penalty	620.68
<b>Total Amount Invoiced - Monthly</b>	<u>8,317.07</u>
<b>Total Amount Invoiced - YTD</b>	51,471,773.94

<b>Current Year</b>	
<b>Less Abatements (Releases)</b>	
Real	5,831.44
Personal	
Discovery	
Penalty - all	
<b>Total Abatements</b>	<u>5,831.44</u>

<b>Adjusted Amount Invoiced - monthly</b>	2,485.63
<b>Adjusted Amount Invoiced - YTD</b>	51,389,626.78

Current Levy Collected	4,724,593.42
Levy Collected from previous years	24,190.86
Penalties & Interest Collected	3,843.97
Current Month Write Off - Debit/Credit	-
<b>Total Monthly Collected</b>	<u>4,752,628.25</u>
<b>Total Collected - YTD</b>	11,649,043.39

<b>Total Collected - net current levy -YTD</b>	11,474,229.94
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Percentage of Collected -current levy	22.33%
Percentage Collected from FY18	

Amount Uncollected - current year levy	39,915,396.84
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Percentage of Uncollected - current levy	77.67%
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100.00%

City of Concord  
Portfolio Holdings  
Monthly Investments to Council  
Report Format: By C U S I P / Ticker  
Group By: Security Type  
Average By: Cost Value  
Portfolio / Report Group: All Portfolios  
As of 10/31/2019

Description	CUSIP/Ticker	Face Amount/Shares	Cost Value	Maturity Date	YTM @ Cost	% of Portfolio	Settlement Date	Cost Price	Days To Maturity
Commercial Paper									
CP CHESHAM FINANCE LLC 0 11/7/2019	16536JY76	5,000,000.00	4,938,750.00	11/07/2019	2.551	1.53	N/A	98.775	7
CP HSBC FIN 0 11/18/2019	40434RYJ5	5,000,000.00	4,916,744.44	11/18/2019	2.583	1.52	N/A	98.334889	18
CP LMA AMERICAS 0 2/5/2020	53944QB58	5,000,000.00	4,947,387.50	02/05/2020	2.092	1.53	N/A	98.94775	97
CP MUFG BANK LTD/NY 0 11/25/2019	62479MYR8	5,000,000.00	4,916,118.05	11/25/2019	2.614	1.52	N/A	98.322361	25
CP NATIXIS 0 1/23/2020	63873JAP5	5,000,000.00	4,944,087.50	01/23/2020	2.154	1.53	N/A	98.88175	84
CP NATIXIS 0 4/8/2020	63873JD80	5,000,000.00	4,951,481.94	04/08/2020	1.949	1.53	N/A	99.029639	160
CP ONTARIO TEACHERS 0 1/15/2020	68328GAF3	5,000,000.00	4,930,625.00	01/15/2020	2.282	1.53	N/A	98.6125	76
CP SANTANDER UK PLC 0 3/19/2020	80285PCK6	5,000,000.00	4,946,812.50	03/19/2020	2.092	1.53	N/A	98.93625	140
CP SHEFFIELD RECEIVABLES 0 12/11/2019	82124MZB9	5,000,000.00	4,914,890.28	12/11/2019	2.676	1.52	N/A	98.297806	41
CP TOYOTA MOTOR CREDIT 0 2/19/2020	89233GBK1	5,000,000.00	4,950,677.80	02/19/2020	1.949	1.53	N/A	99.013556	111
CPMUFGBANKLTD/NY 0 3/6/2020	62479LC60	5,000,000.00	4,952,351.39	03/06/2020	2.050	1.53	N/A	99.047028	127
Sub Total / Average Commercial Paper		55,000,000.00	54,309,926.40		2.271	16.83		98.746155	81
FFCB Bond									
FFCB 1.62 9/11/2020-18	3133EHWS8	5,000,000.00	5,000,000.00	09/11/2020	1.620	1.55	N/A	100	316
FFCB 1.625 7/6/2020-18	3133EHQJ5	5,000,000.00	5,000,000.00	07/06/2020	1.625	1.55	N/A	100	249
FFCB 1.7 9/27/2022-21	3133EKS31	5,000,000.00	5,000,000.00	09/27/2022	1.700	1.55	N/A	100	1,062
FFCB 1.73 12/29/2020-17	3133EHPV9	3,250,000.00	3,250,000.00	12/29/2020	1.730	1.01	N/A	100	425
FFCB 1.89 9/27/2024-21	3133EKU20	5,000,000.00	5,000,000.00	09/27/2024	1.890	1.55	N/A	100	1,793
FFCB 1.93 10/30/2023-20	3133EK4A1	5,000,000.00	5,000,000.00	10/30/2023	1.930	1.55	N/A	100	1,460
FFCB 2.03 2/27/2024-20	3133EKGS9	5,000,000.00	5,000,000.00	02/27/2024	2.030	1.55	N/A	100	1,580
FFCB 2.03 4/25/2022-18	3133EHGS6	5,000,000.00	5,000,000.00	04/25/2022	2.030	1.55	N/A	100	907
FFCB 2.09 7/1/2022-20	3133EKTA4	5,000,000.00	5,000,000.00	07/01/2022	2.090	1.55	N/A	100	974
FFCB 2.11 7/22/2022-20	3133EKVP8	5,000,000.00	5,000,000.00	07/22/2022	2.110	1.55	N/A	100	995
FFCB 2.14 9/4/2026-20	3133EKL53	5,000,000.00	5,000,000.00	09/04/2026	2.140	1.55	N/A	100	2,500
FFCB 2.2 7/24/2023-20	3133EKWZ5	5,000,000.00	5,000,000.00	07/24/2023	2.200	1.55	N/A	100	1,362
FFCB 2.2 8/8/2022-19	3133EKYM2	5,000,000.00	5,000,000.00	08/08/2022	2.200	1.55	N/A	100	1,012
FFCB 2.23 7/8/2024-20	3133EKTT3	5,000,000.00	5,000,000.00	07/08/2024	2.230	1.55	N/A	100	1,712

FFCB 2.36 6/17/2024-20	3133EKQW9	5,000,000.00	4,998,750.00	06/17/2024	2.365	1.55	N/A	99.975	1,691
Sub Total / Average FFCB Bond		73,250,000.00	73,248,750.00		1.999	22.70		99.998294	1,221
FHLB Bond									
FHLB 1.125 7/14/2021	3130A8QS5	740,000.00	708,002.40	07/14/2021	2.621	0.22	N/A	95.676	622
FHLB 1.375 2/18/2021	3130A7CV5	600,000.00	582,384.00	02/18/2021	2.383	0.18	N/A	97.064	476
FHLB 1.8 11/26/2021-17	3130AA2S6	5,000,000.00	5,000,000.00	11/26/2021	1.800	1.55	N/A	100	757
FHLB 1.8 4/28/2022-20	3130AHEG4	5,000,000.00	5,000,000.00	04/28/2022	1.800	1.55	N/A	100	910
FHLB 1.875 11/29/2021	3130AABG2	875,000.00	853,965.00	11/29/2021	2.721	0.26	N/A	97.596	760
FHLB 1.9 11/27/2020-18	3130ACTU8	5,000,000.00	4,995,000.00	11/27/2020	1.935	1.55	N/A	99.9	393
FHLB 1.92 8/28/2024-20	3130AGXN0	5,000,000.00	5,000,000.00	08/28/2024	1.920	1.55	N/A	100	1,763
FHLB 1.94 12/27/2019-18	3130ADAC6	4,500,000.00	4,500,000.00	12/27/2019	1.940	1.39	N/A	100	57
FHLB 1.95 11/25/2020-18	3130ACTL8	5,000,000.00	4,973,000.00	11/25/2020	2.145	1.54	N/A	99.46	391
FHLB 1.97 9/11/2024-20	3130AH2B8	5,000,000.00	4,980,000.00	09/11/2024	2.055	1.54	N/A	99.6	1,777
FHLB 2 9/26/2022-20	3130AH5RO	5,000,000.00	5,000,000.00	09/26/2022	2.000	1.55	N/A	100	1,061
FHLB 2.6 1/29/2026-20	3130AGSW6	5,000,000.00	5,000,000.00	01/29/2026	2.600	1.55	N/A	100	2,282
FHLB 3 10/12/2021	3130AF5B9	880,000.00	905,660.34	10/12/2021	1.634	0.28	N/A	102.915948	712
FHLB Step 6/30/2021-16	3130A8FG3	5,000,000.00	4,998,750.00	06/30/2021	2.022	1.55	N/A	99.975	608
FHLB Step 6/30/2021-16	3130A8FT5	5,000,000.00	4,995,000.00	06/30/2021	2.052	1.55	N/A	99.9	608
Sub Total / Average FHLB Bond		57,595,000.00	57,491,761.74		2.040	17.81		99.826327	956
FHLMC Bond									
FHLMC 1.375 5/1/2020	3137EADR7	540,000.00	537,027.81	05/01/2020	1.596	0.17	N/A	99.450522	183
FHLMC 1.6 9/28/2020-18	3134GBF64	5,000,000.00	5,000,000.00	09/28/2020	1.600	1.55	N/A	100	333
FHLMC 1.75 4/27/2020-17	3134GBZN5	5,000,000.00	5,000,000.00	04/27/2020	1.750	1.55	N/A	100	179
FHLMC 1.86 10/21/2022-20	3134GUKY5	5,000,000.00	5,000,000.00	10/21/2022	1.860	1.55	N/A	100	1,086
FHLMC 1.875 3/28/2024-21	3134GUEN6	5,000,000.00	5,000,000.00	03/28/2024	1.875	1.55	N/A	100	1,610
FHLMC 1.9 10/17/2022-20	3134GUGN4	5,000,000.00	5,000,000.00	10/17/2022	1.900	1.55	N/A	100	1,082
FHLMC 2 9/29/2020-18	3134GB5V0	5,000,000.00	5,000,000.00	09/29/2020	2.000	1.55	N/A	100	334
FHLMC 2.25 11/24/2020-18	3134GBX56	5,000,000.00	5,014,000.00	11/24/2020	2.151	1.55	N/A	100.28	390
FHLMC 2.375 1/13/2022	3137EADB2	2,175,000.00	2,166,191.35	01/13/2022	2.520	0.67	N/A	99.595007	805
FHLMC 2.375 2/16/2021	3137EAEL9	1,000,000.00	998,264.53	02/16/2021	2.436	0.31	N/A	99.826453	474
FHLMC 2.55 3/3/2023-20	3134GTQZ9	5,000,000.00	5,000,000.00	03/03/2023	2.550	1.55	N/A	100	1,219
FHLMC 2.575 3/25/2022-20	3134GS7L3	3,500,000.00	3,500,000.00	03/25/2022	2.575	1.08	N/A	100	876
FHLMC Step 5/25/2021-16	3134G9JB4	5,000,000.00	4,987,500.00	05/25/2021	2.164	1.55	N/A	99.75	572
FHLMC Step 6/29/2021-16	3134G9B30	5,000,000.00	5,000,000.00	06/29/2021	1.412	1.55	N/A	100	607
FHLMC Step 6/30/2021-16	3134G9UN5	5,000,000.00	5,000,000.00	06/30/2021	2.041	1.55	N/A	100	608
FHLMC Step 8/26/2024-20	3134GT4A8	5,000,000.00	5,000,000.00	08/26/2024	2.694	1.55	N/A	100	1,761
Sub Total / Average FHLMC Bond		67,215,000.00	67,202,983.69		2.050	20.82		99.982314	808
FNMA Bond									

FNMA 1.25 5/6/2021	3135G0K69	625,000.00	600,577.41	05/06/2021	2.610	0.19	N/A	96.092386	553
FNMA 1.25 8/17/2021	3135G0N82	2,020,000.00	1,934,922.38	08/17/2021	2.733	0.60	N/A	95.788318	656
FNMA 1.375 10/7/2021	3135G0Q89	2,675,000.00	2,556,023.37	10/07/2021	2.961	0.79	N/A	95.552298	707
FNMA 1.375 2/26/2021	3135G0J20	1,520,000.00	1,473,060.79	02/26/2021	2.516	0.46	N/A	96.912156	484
FNMA 1.5 11/30/2020	3135G0F73	440,000.00	434,011.16	11/30/2020	1.972	0.13	N/A	98.6389	396
FNMA 1.5 6/22/2020	3135G0D75	4,000,000.00	3,988,170.37	06/22/2020	1.610	1.24	N/A	99.70449	235
FNMA 1.55 8/24/2021-17	3136G3X83	5,000,000.00	5,000,000.00	08/24/2021	1.550	1.55	N/A	100	663
FNMA 1.625 2/25/2021-17	3136G4GX5	5,000,000.00	4,972,500.00	02/25/2021	1.760	1.54	N/A	99.45	483
FNMA 1.8 10/28/2022-20	3135G0W74	5,000,000.00	5,000,000.00	10/28/2022	1.800	1.55	N/A	100	1,093
FNMA 1.875 12/28/2020	3135G0H55	940,000.00	934,051.66	12/28/2020	2.095	0.29	N/A	99.367198	424
FNMA 1.875 4/5/2022	3135G0T45	2,005,000.00	1,989,331.01	04/05/2022	2.147	0.62	N/A	99.223064	887
FNMA 1.9 11/24/2020-18	3136G4QY2	5,000,000.00	4,982,800.00	11/24/2020	2.021	1.54	N/A	99.656	390
FNMA 2 10/5/2022	3135G0T78	1,365,000.00	1,387,781.85	10/05/2022	1.430	0.43	N/A	101.669	1,070
FNMA 2 9/28/2020-18	3136G4PH0	5,000,000.00	5,000,000.00	09/28/2020	2.000	1.55	N/A	100	333
FNMA 2.25 4/12/2022	3135G0V59	960,000.00	969,734.40	04/12/2022	1.871	0.30	N/A	101.014	894
Sub Total / Average FNMA Bond		41,550,000.00	41,222,964.40		1.965	12.77		99.236627	595
Local Government Investment Pool									
NCCMT LGIP	NCCMT599	53,228.87	53,228.87	N/A	1.780	0.02	N/A	100	1
NCCMT LGIP	NCCMT135	10,561,156.03	10,561,156.03	N/A	1.920	3.27	N/A	100	1
NCCMT LGIP	NCCMT481	13,291,809.03	13,291,809.03	N/A	1.780	4.12	N/A	100	1
NCCMT LGIP	NCCMT271	105,029.75	105,029.75	N/A	1.780	0.03	N/A	100	1
Sub Total / Average Local Government Investment Pool		24,011,223.68	24,011,223.68		1.842	7.44		100	1
Money Market									
PINNACLE BANK MM	PINNACLE	5,241,952.66	5,241,952.66	N/A	1.500	1.62	N/A	100	1
Sub Total / Average Money Market		5,241,952.66	5,241,952.66		1.500	1.62		100	1
Total / Average		323,863,176.34	322,729,562.57		2.039	100		99.656483	705