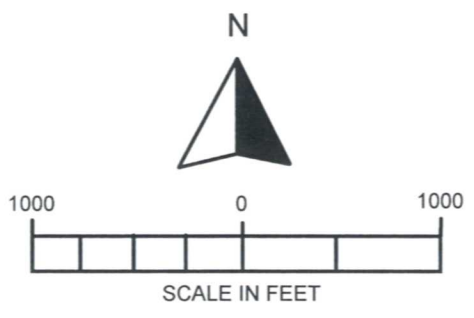
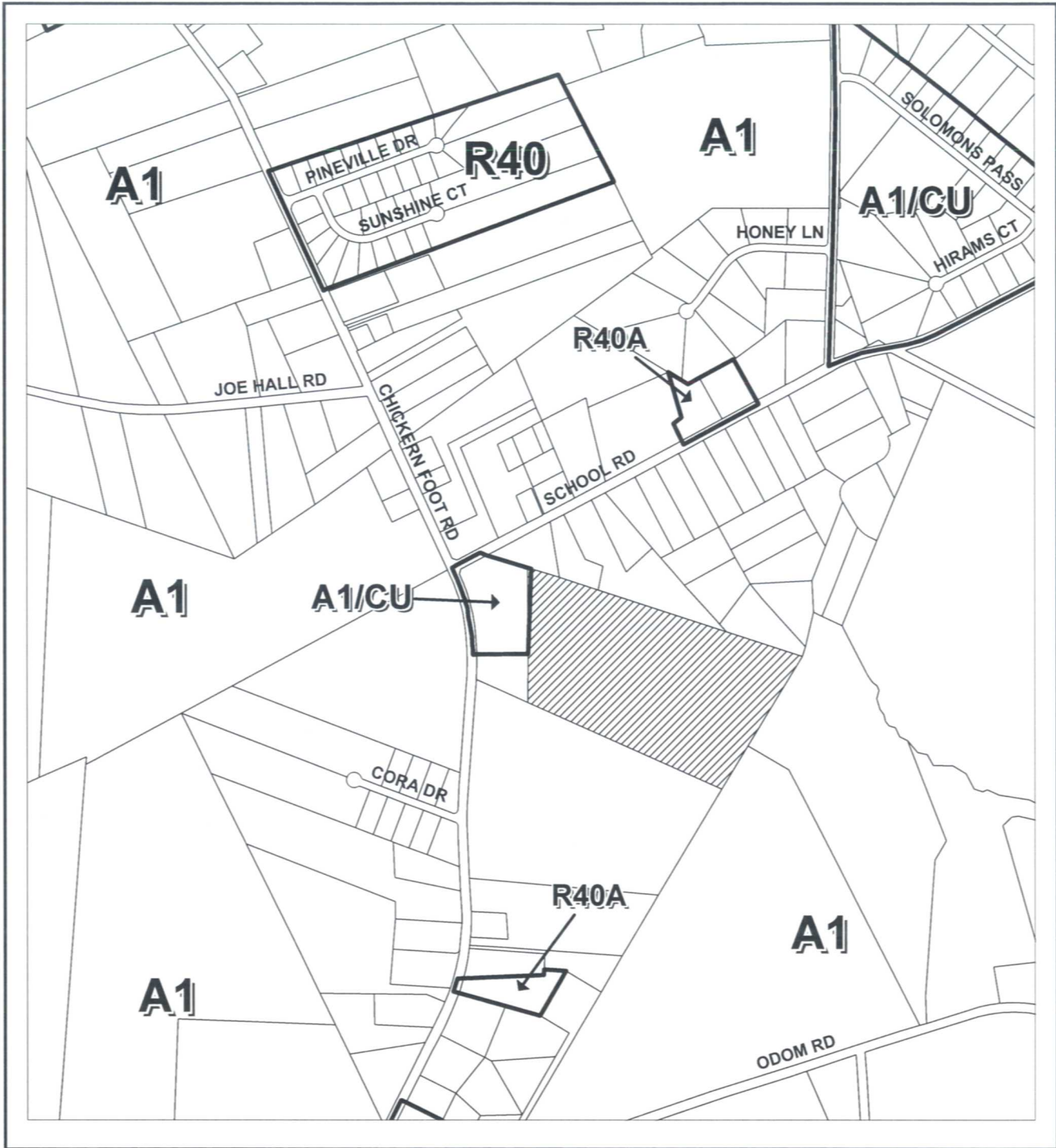


MODIFICATION OF CONDITIONAL USE PERMIT

ACREAGE: 11.66 AC.+/-		HEARING NO: P07-75	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0404-46-0307

AM



PORT. OF PIN: 0431-32-4901

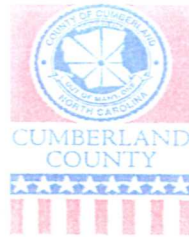
REQUESTED REZONING A1 TO R20/DD/CZ

ACREAGE: 34.55 AC.+/-		HEARING NO: P11-56	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

September 20, 2011

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

*Approved by Code Committee
Donovan McLaurin
09/20/2011*

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Donovan McLaurin, Chairman, Land Use Codes Committee

SUBJECT: **P11-47.** REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S REVIEW OF THE AUGUST 18, 2008 ORDINANCE.

Below is a summary of the committee's recommended changes to the County Subdivision Ordinance. The proposed ordinance is available for viewing on the Planning & Inspections Department's webpage: <http://co.cumberland.nc.us/planning.aspx>.

Major Changes

1. Ordinance name changed to *Cumberland County Subdivision and Development Ordinance* (cover and p. 1) and added definition for the term development (p. 7).
2. Establish that the Municipal Influence Area (**MIA**) **standards apply only when four or more lots or units** are created out of the same parent tract as of the date of the adoption of this proposed amendment. (p. 19)

Note: Exemption of three or less lots from complying with municipal development standards is consistent with and expands upon the enabling statutes that exempt three lots from being defined as a *subdivision* when the parent tract is two acres or less.

3. Several proposed changes to **private streets**:
 - a. **Class "B"** (gravel) to be required to be **maintained by an owners' association** and an **increase in the maximum number of lots to eight** (currently is seven) (pp. 29-30);
 - b. **Class "C"** (dirt) to be properly ended with an **adequate turnaround for maneuvering of emergency vehicles; private engineer or surveyor to certify street constructed as approved** (currently requires inspection and approval by County Engineer) (p. 30); and
 - c. Clarifies that once approved, **County has no enforcement responsibility regarding maintenance and encroachments** within the private street right-of-way (p. 31); also see street disclosure statement (p. 54).
4. Amend **sidewalk** provisions within the County jurisdiction and outside any municipal influence area so that **sidewalks are not required except where the subdivision or other development is adjacent to a public school or park** (pp. 31-32).

Note: This provision is proposed to be amended due to the NC Department of Transportation's policy that sidewalks are not allowed within the State right-of-way unless a municipality or the County signs a three party encroachment agreement with the developer, whereas the municipality or County agrees to be responsible for maintenance.

5. Proposed changes to the water and sewer provisions repealing the **mandatory extension of public water and sewer** (pp 32-33). (Modified on November 1, 2011 after the meeting of the Ad Hoc Committee)
6. Propose that **fire hydrants** are only **required when four or more lots/units are proposed** and **extension of public water** is required (p.33).
7. Formalize the requirement for **public street disclosure** statement to be included **on final plats when public streets have not yet been constructed and accepted by the NCDOT for maintenance purposes** (p. 55).
8. Added provisions for **violations and penalties** for subdivision ordinance issues **not directly related to plat recordings** (pp.57-58).
9. Proposed revisions to repeal the **mandatory extension of public water and/or sewer.** (pp. 32-33)

Minor Changes

1. Corrected some minor typographical errors in current ordinance.
2. Modified density classifications in the definitions for consistency with the Land Use Policies Plan (*high density*, p. 8; *low density*, p. 9; *medium density*, p. 11; *rural density*, p. 13; *suburban density*, p. 15; and delete the term and related definition for *urban density*, p. 16).
3. Specify that unless the developer has stated otherwise on the submittal application; a fee in lieu of dedication will be required for parks, recreation and open space provision satisfaction (p. 40).
4. Insert the amendment clause that was inadvertently omitted from the August 19, 2008 version of the ordinance (p. 59).
5. Update the appendixes, by inserting:
 - a. Current application (pp. E1 and E2);
 - b. Current MIA map which would include the modification of the Hope Mills and Fayetteville boundaries approved on May 16, 2011 (p. E4); and
 - c. Update the MIA Development Standards Chart to reflect Linden provisions (pp. E5-a – E5-i).
6. Update the Table of Contents.

Please contact me with any questions at 910-850-1800, email: mclaurin@outdrs.net or Patti Speicher at 910-678-7605 or email: pspeicher@co.cumberland.nc.us.

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

November 8, 2011

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for the November 15, 2011 Board Meeting

P11-54: REZONING OF 1.50+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2527 GILLESPIE STREET, SUBMITTED BY RAJ PATEL ON BEHALF OF 301 INVESTMENTS, LLC. (OWNERS).

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy commercial" development as listed in the Land Use Policies Plan;
2. The location and character of the use will be in harmony with the surrounding area; and
3. Public utilities are available to the subject property.

The C2(P) Planned Service and Retail district could also be considered suitable for this request.

Attachments:

- 1- Site Profile
- 2- Sketch Map

P11-54
SITE PROFILE

P11-54: REZONING OF 1.50+/- ACRES FROM C1(P) PLANNED LOCAL BUSINESS TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 2527 GILLESPIE STREET, SUBMITTED BY RAJ PATEL ON BEHALF OF 301 INVESTMENTS, LLC. (OWNERS).

Site Information:

Frontage & Location: 188.00'+/- on SR 2273 (Gillespie Street)

Depth: 327.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: Commercial

Initial Zoning: HSP – March 15, 1979 (Area 6); rezoned to C1(P) on June 16, 2003

Nonconformities: If approved, existing structure will not be able to meet side setbacks

Zoning Violation(s): None

Surrounding Zoning: North: C3, HS(P), C(P), CC (Fayetteville), R10, R6A & R6; South: C(P)/CU (to use C3 setbacks), M(P), HS(P), C(P), R10 & R6A; East: M(P); West: HS(P) & R10

Surrounding Land Use: Motor vehicle sales, governmental use, hotel (4), wholesale sales (3), motor vehicle repair (3), motor vehicle storage, rental/servicing, religious worship (2), home furnishing sales & repair/servicing

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/Septic

Soil Limitations: None

School Capacity/Enrolled: Elizabeth Cashwell Elementary: 800/694; Ireland Drive Middle (6): 340/348; Douglas Byrd Middle (7-8): 600/746; Douglas Byrd High: 1,280/1,289

Subdivision/Site Plan: If approved, any new construction or change in use will require a review and approval

Municipal Influence Area: City of Fayetteville

Fayetteville Regional Airport: Does not object to rezoning

Average Daily Traffic Count (2008): 20,000 on SR 2273 (Gillespie Street)

Highway Plan: US 301/Bus 95 (Gillespie Street) is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility

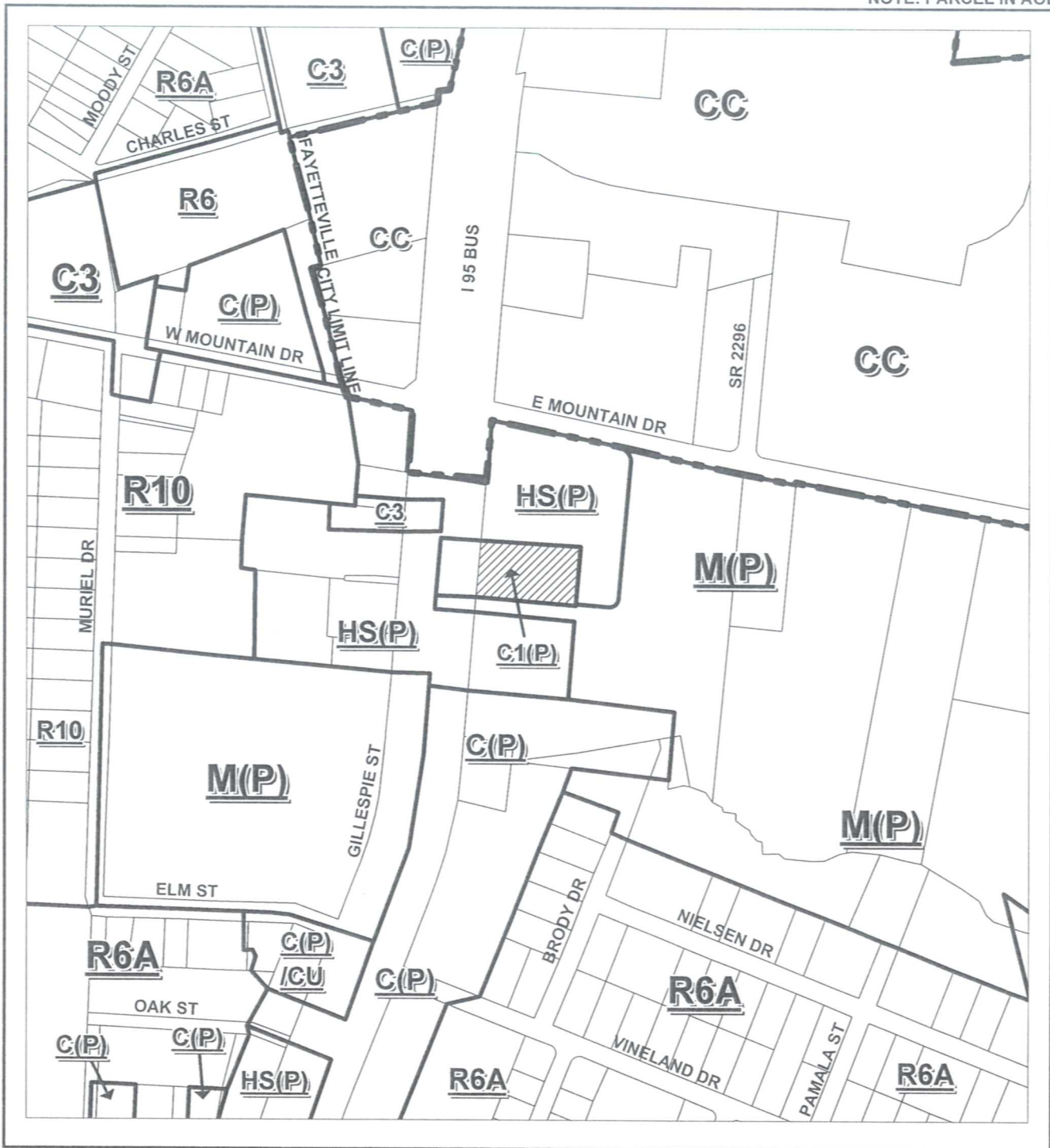
Note:

Minimum Yard Setback Regulations:

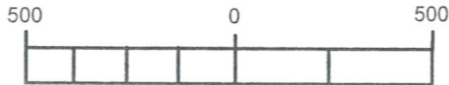
<u>C1(P)</u>	<u>C2(P) & C(P)</u>
Front yard: 45'	Front yard: 50'
Side yard: 15'	Side yard: 30'
Rear yard: 20'	Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



N



SCALE IN FEET

REQUESTED REZONING C1(P) TO C(P)

ACREAGE: 1.50AC.+/-		HEARING NO: P11-54	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
—◆—
Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

November 8, 2011

MEMORANDUM

TO: Cumberland County Joint Planning Board
FROM: Planning & Inspections Staff
SUBJECT: Staff Recommendation for November 15, 2011 Board Meeting

P11-55: REZONING OF 4.90+/- ACRES FROM A1 AGRICULTURAL TO R30A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1421, 1429 AND 1443 SEABROOK SCHOOL ROAD; SUBMITTED BY THOMAS G. AND DORIS P. COOPER (OWNERS).

The Planning & Inspections Staff recommends approval of the R30A Residential district based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for “urban area” at this location, as well as meeting the location criteria for suburban density residential development as listed in the Land Use Policies Plan; and
2. The request is consistent with surrounding zoning and land uses.

The R40A and R40 Residential districts could also be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P11-55
SITE PROFILE

P11-55: REZONING OF 4.90+/- ACRES FROM A1 AGRICULTURAL TO R30A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 1421, 1429 AND 1443 SEABROOK SCHOOL ROAD; SUBMITTED BY THOMAS G. AND DORIS P. COOPER (OWNERS).

Site Information:

Frontage & Location: 340.00'+/- on SR 2015 (Seabrook School Road)

Depth: 620.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: Yes, north of subject property

Current Use: 2 residential structures & 1 accessory building

Initial Zoning: A1 – September 3, 1996 (Area 20)

Nonconformities: None

Zoning Violation(s): None

Surrounding Zoning: North: A1, R40A, RR & R6A; South: A1, R40 & RR; East: A1; West: A1 & RR

Surrounding Land Use: Residential (including manufactured homes) & farmland

2030 Growth Strategy Map: Rural

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: Well/Septic

Soil Limitations: None

School Capacity/Enrolled: J.W. Seabrook Elementary: 340/283; Mac Williams Middle: 1,274/1,221; Cape Fear High: 1,400/1,575

Subdivision/Site Plan: If approved, any new development may require a review and approval

Average Daily Traffic Count (2008): 810 on SR 2015 (Seabrook School Road)

Highway Plan: There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program

Notes:

1. Density:
A1 – 2 lots/units
A1A – 5 lots/units
R40/R40A – 5 lots/units
R30/R30A – 7 lots/units

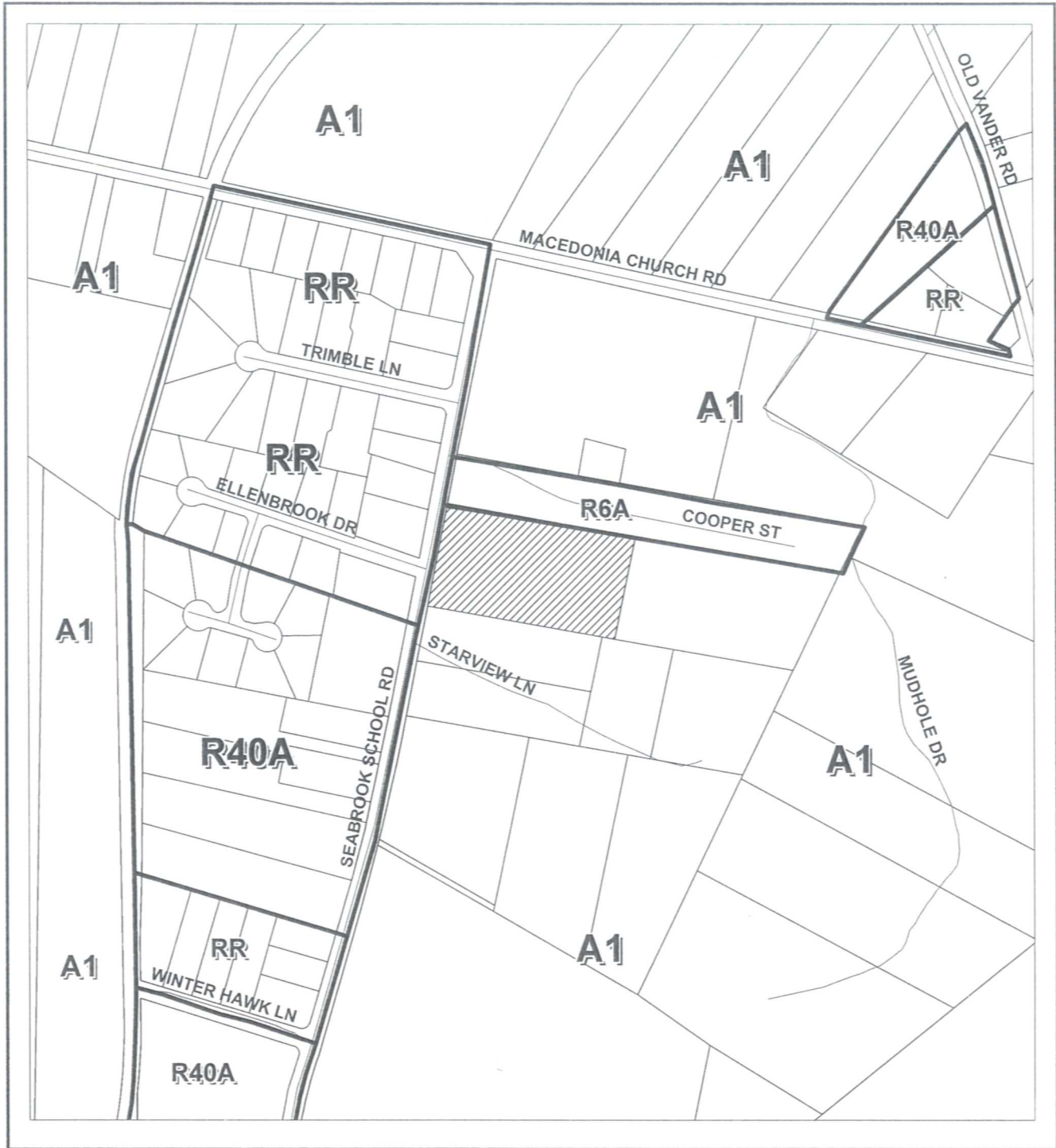
2. Minimum Yard Setback Regulations:

<u>A1 & A1A</u>	<u>R40/R40A & R30/R30A</u>
Front yard: 50'	Front yard: 30'
Side yard: 20'	Side yard: 15'
Rear yard: 50'	Rear yard: 35'

3. R30A allows single family, modular and class “A” manufactured homes

First Class and Record Owners’ Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners’ acknowledgement of notice is also included in the case file.



REQUESTED REZONING A1 TO R30A

ACREAGE: 4.90 AC.+/-

HEARING NO: P11-55

ORDINANCE: COUNTY
STAFF RECOMMENDATION
PLANNING BOARD
GOVERNING BOARD

HEARING DATE ACTION

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

November 8, 2011

MEMORANDUM

TO: Cumberland County Joint Planning Board

FROM: Planning and Inspections Staff

SUBJECT: Staff Recommendation for November 15, 2011 Board Meeting

P11-53: REZONING OF .70+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1271 SAND HILL ROAD, SUBMITTED BY ROGER D. AND SHIRLEY D. MCALLISTER (OWNERS).

The Planning and Inspections Staff recommends denial of the request for C2(P) Planned Service and Retail district based on the following:

1. The district requested is inconsistent with the location criteria for "light commercial" as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan because public sewer is required but not readily available;
2. The request, if approved, would be "spot zoning" initiating the encroachment of "light commercial" into a residential area; and
3. The request is not in character with immediate surrounding land uses.

There are no other districts to be considered suitable for this request.

Attachments:

- 1 – Site Profile
- 2 – Sketch Map

P11-53
SITE PROFILE

P11-53: REZONING OF .70+/- ACRES FROM RR RURAL RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 1271 SAND HILL ROAD, SUBMITTED BY ROGER D. AND SHIRLEY D. MCALLISTER (OWNERS).

Site Information:

Frontage & Location: 152.00'+/- on SR 2238 (Sand Hill Road)

Depth: 200.00'+/-

Jurisdiction: Cumberland County

Adjacent Property: No

Current Use: 3 dwellings

Initial Zoning: A1 – June 25, 1980 (Area 13); rezoned to RR February 25, 1986

Nonconformities: Existing residential structure does not appear to meet side setbacks

Zoning Violation(s): None

Surrounding Zoning: North: M(P), A1 & RR; South: R20/CU (15 lot subdivision), A1, R40, R30 & R10; East: A1, R40 & RR; West: M(P), A1 & RR

Surrounding Land Use: Residential (including manufactured homes), distribution center & farmland

2030 Land Use Plan: Urban

Special Flood Hazard Area (SFHA): None

Water/Sewer Availability: PWC/ PWC

Soil Limitations: None

School Capacity/Enrolled: Alderman Road Elementary: 764/675; Gray's Creek Middle: 1,000/953; Gray's Creek High: 1,270/1,284

Subdivision/Site Plan: If approved, new development will require a review and approval

Average Daily Traffic Count (2008): 6,400 on SR 2238 (Sand Hill Road)

Highway Plan: Sand Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility

Notes:

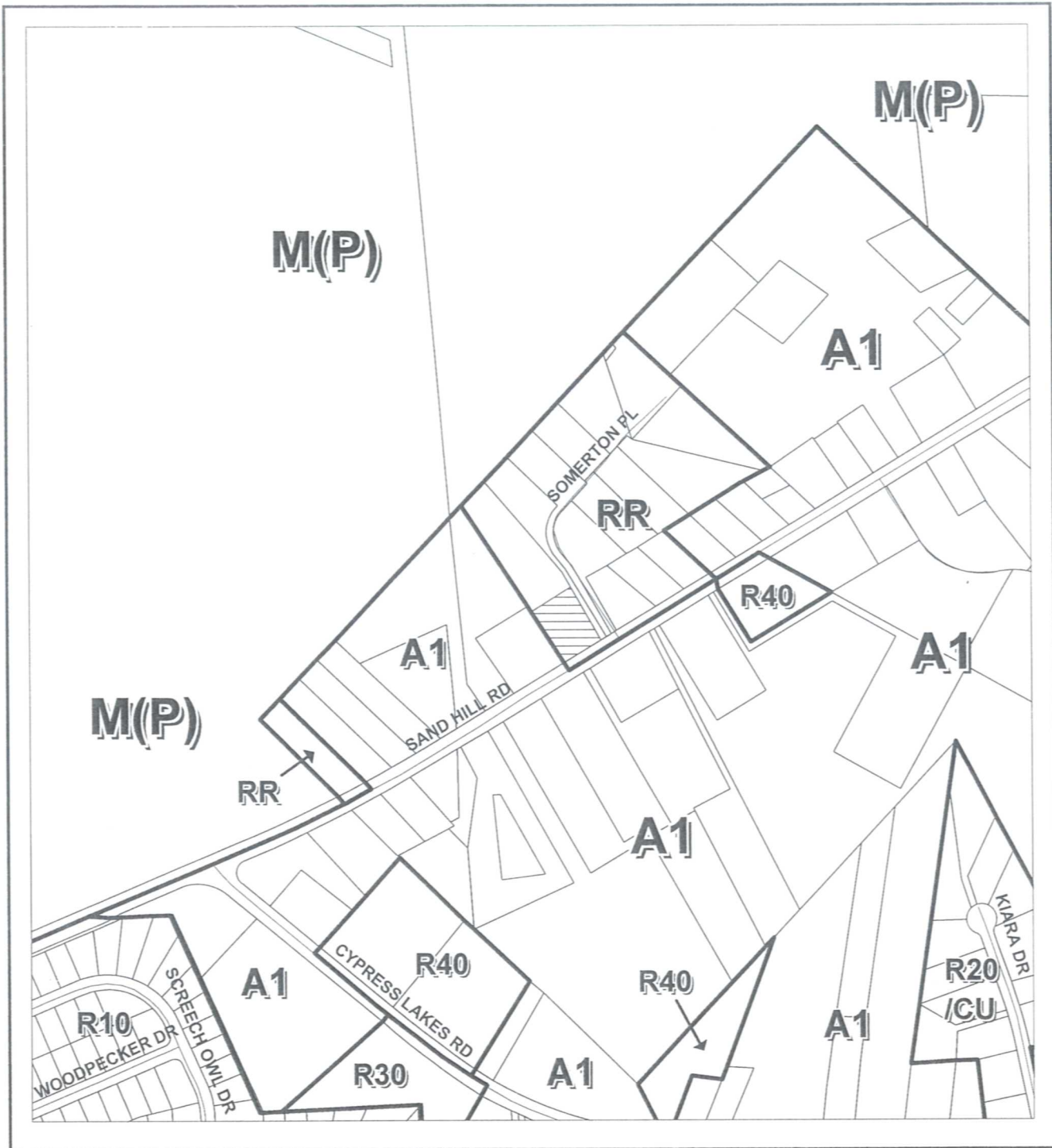
1. Density:
RR – 2 lots/units (residential)

2. Minimum Yard Setback Regulations:

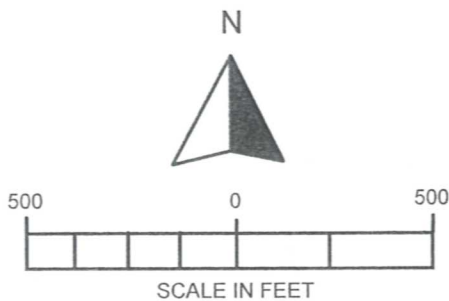
<u>RR</u>	<u>C2(P)</u>
Front yard: 30'	Front yard: 50'
Side yard: 15'	Side yard: 30'
Rear yard: 35'	Rear yard: 30'

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' acknowledgement of notice is also included in the case file.



REQUESTED REZONING RR TO C2(P)



ACREAGE: 0.70 AC.+/-		HEARING NO: P11-53	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

11-082
SITE PROFILE

CASE NO. 11-082. CONSIDERATION OF THE CAROL A. WILTCHER PROPERTY; REQUEST FOR A WAIVER FROM THE REQUIREMENT TO CONNECT TO PUBLIC WATER; COUNTY SUBDIVISION ORDINANCE, SECTION 2306.A.1.B UTILITIES; ZONED: A1; TOTAL ACREAGE: 4.80+/-; LOCATED AT 8978 & 8988 COATS ROAD; SUBMITTED BY CAROL A. WILTCHER (OWNER). (LINDEN WATER SYSTEM/COUNTY JURISDICTION)

Summary of Request

Developer is requesting waiver from the requirement to connect to the Linden public water system as required by Condition # 3 on the attached conditions of approval. The connection to the public water system is required since this development is located within 300 feet of the existing public water system.

Site Information:

Frontage & Location: 595.25'+/- along SR 1608 (Coats Road)

Depth: 628.68'+/-

Jurisdiction: Cumberland County

Municipal Influence Area (MIA): N/A

Adjacent Property: No

Nonconformities: No

Water & Sewer: Linden Water & Septic

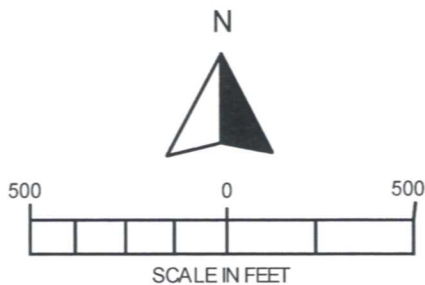
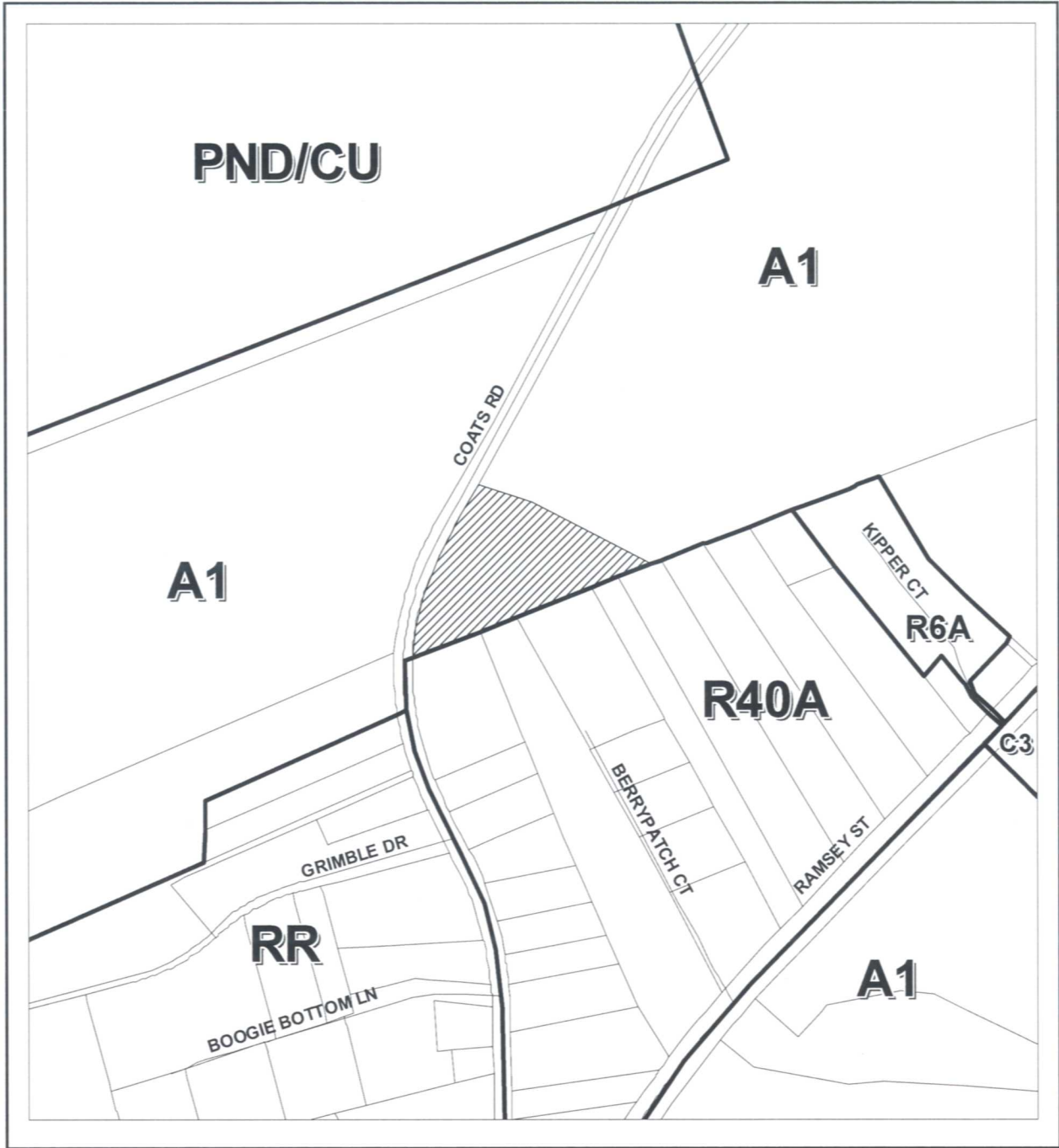
Special Flood Hazard Area (SFHA): No

Applicable County Subdivision Ordinance Provisions

Section 2306. UTILITIES, A.1.b *Connection to public water and sanitary sewer required.* Where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to tens or units is within 300 feet of public water or sewer, the public utilities shall be extended. Where any portion of ten to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended. For more than twenty lots or units proposed within the Sewer Services Area and/or and where density is greater than two lots or units per acre, the extension of public water and sewer services is required. Sanitary sewer services outside of the Sewer Services Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

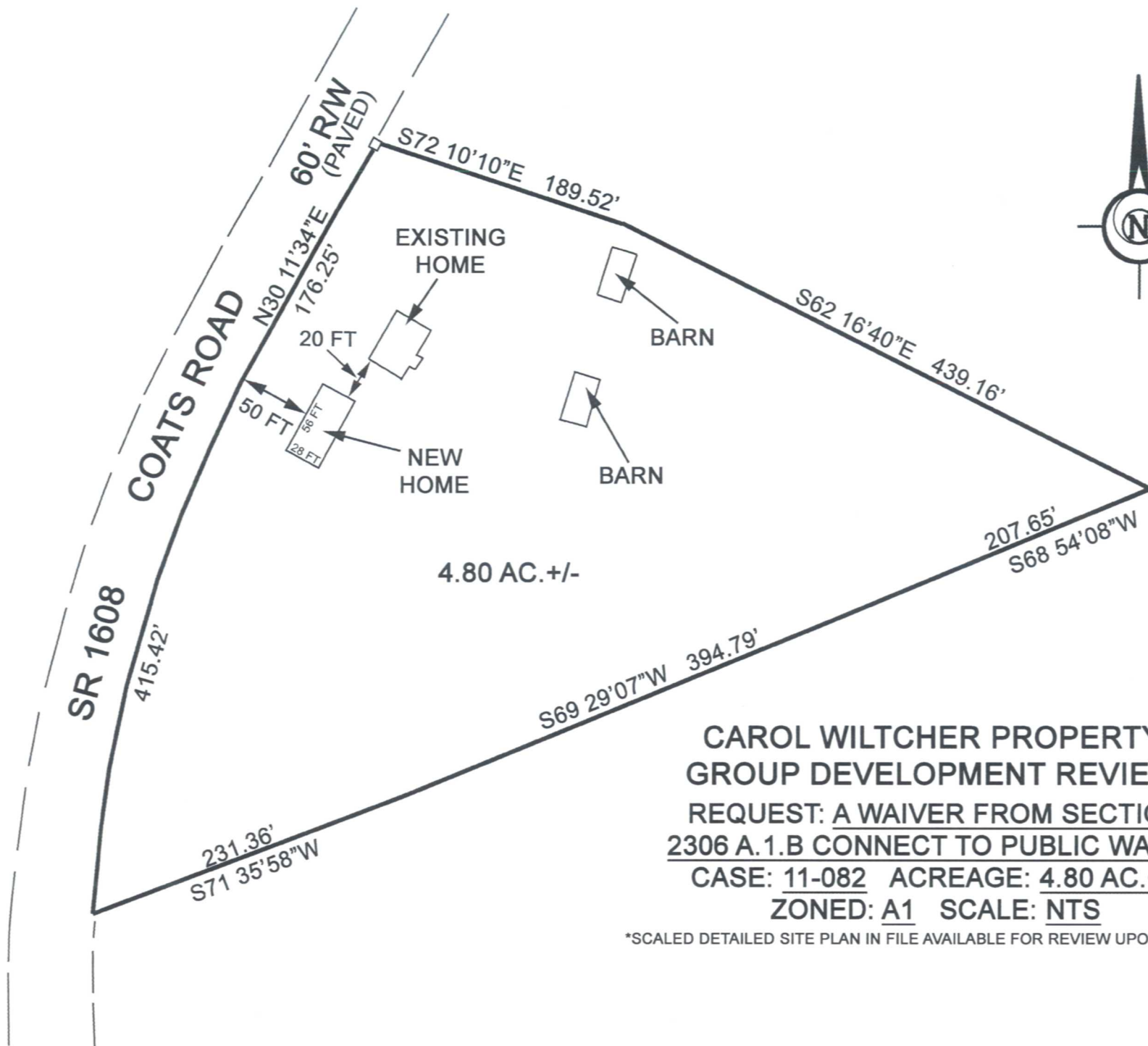
Attachments

- 1 – Sketch Map
- 2 – Group Development Site Plan
- 3 – Aerial Photo
- 4 – Town of Linden Recommendation
- 5 – Waiver Application w/ Attachments
- 6 – Conditions of Approval



COUNTY SUBDIVISION ORDINANCE WAIVER

ACREAGE: 4.80 AC.+/-	HEARING NO: 11-082	
ORDINANCE COUNTY	HEARING DATE	ACTION
GOVERNING BOARD		



**CAROL WILTCHER PROPERTY
 GROUP DEVELOPMENT REVIEW
 REQUEST: A WAIVER FROM SECTION
 2306 A.1.B CONNECT TO PUBLIC WATER
 CASE: 11-082 ACREAGE: 4.80 AC.+/-
 ZONED: A1 SCALE: NTS**

*SCALED DETAILED SITE PLAN IN FILE AVAILABLE FOR REVIEW UPON REQUEST



AERIAL PHOTO
CASE NO: 11-082



MAYOR
Marie Jackson Butler

MAYOR PRO-TEM
Frances B. Collier



COMMISSIONERS
Barbara C. Denning
Ronnie Maness
Betsy Small
Jacob Ulvestad

Town of Linden

October 21, 2011

To: Cumberland County Planning and Inspections

Re: Case NO. 11-082
Carol Wiltcher

In consideration of this case, the Town of Linden states its position to be that the Cumberland County Joint Planning Board make the decision on granting a waiver from the requirement to connect to public water (Linden Water System/County Jurisdiction)

A handwritten signature in cursive script that reads "Marie Butler".

Marie Butler,
Mayor

**TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD,
FAYETTEVILLE, NORTH CAROLINA:**

I (We), the undersigned, hereby submit this application, and petition the Cumberland County Joint Planning Board to waive [vary] certain adopted provisions of the County's Subdivision Ordinance as specified below and provided for under the terms of the Subdivision Ordinance. In support of this petition, the following facts are submitted:

LOCATION OF PROPERTY: 8988 Coats Rd Linden
OWNER: Carol A. Wiltoher
ADDRESS: 8988 Coats Rd Linden NC ZIP CODE: 28356
TELEPHONE: HOME (910) 822-3267 WORK (910) 257-2093
AGENT: Lisa Greddie
ADDRESS: 4001 Boykin Rd Eastover NC 28312
TELEPHONE: HOME (910) 309-8468 WORK (910) 486-5353

**APPLICATION FOR A WAIVER [VARIANCE]
As required by the Subdivision Ordinance**

- A. Parcel Identification Number (PIN #) of subject property: 0544-80-5807
(also known as Tax ID Number or Property Tax ID)
- B. Acreage: 4.8 Frontage: 176.25' Depth: 207.65'
- C. Water Provider: Currently well -
- D. Septage Provider: Septic
- E. Deed Book 08405, Page(s) 0556-0557, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
- F. Existing and/or proposed use of property: I live on the property
and adding a manufactured home for Daughter with disabilities
- G. Section and provision of the Cumberland County Subdivision Ordinance from which a waiver [variance] is requested:
2306 A.1
condition #3 not to be required to connect to public water
- H. Nature and extent of hardship involved in strict application of the County Subdivision Ordinance – attach additional sheet if necessary:
Please see attachments A - F

STATEMENT OF ACKNOWLEDGEMENT

Regarding appearance before the Joint Planning Board, the undersigned owner(s), agents, or their assigns, by virtue of their signature(s) to this application, hereby acknowledge the following:

- That although appearance before the board is not required, it is strongly encouraged;
- The board will hear any and all arguments for and against this matter before them and such relevant facts will be given under sworn testimony;
- At the public hearing the board has the authority to issue a final approval or denial decision on this request, or defer the request for additional information to be provided;
- If the petitioner or the representative of this application does not appear personally before the board, whether there is opposition or not, the board has full authority to consider the case and defer, approve, or deny the case.
- If the board's action is to deny the matter before them, the course of appeal to the decision will be that of Cumberland County Superior Court. (Affected parties of the board's decision have 30 days from date of proper notification in which to serve notice of appeal).

Signed acknowledgement that the County Planning & Inspections Staff has explained the application process and procedures regarding this request and the public hearing procedure stated above and that the application is complete and accurate.

Carol A. Wiltcher
Property owner(s)' signature(s)

Carol A. Wiltcher
Property owner(s)' name (print or type)

8988 Coats Rd Linden NC 28356
Complete mailing address of property owner(s)

(910) 822-3267 (910) 257-2093
Telephone number Alternative telephone number

7041@msn.com (910) 488-3297
Email address FAX number

Lisa Geddie

Agent, attorney, or applicant's signature (other than property owner)

Lisa Geddie

Agent, attorney, or applicant (other than property owner) (print or type)

4001 Boykin Rd Eastover NC 28312

Complete mailing address of agent, attorney, or applicant

(910) 309-8668

Telephone number

(910) 486-5353

Alternative telephone number

lisageddie@lisageddie.com

Email address

(910) 486-4002

FAX number

Upon submission, the contents of this application becomes "public record" and is available for review and/or copies upon request.

Attachment A

On Aug. 11, 2011 I paid for a permit to add a manufactured home on my property. On or about Sept. , 2011 I received a response from the County of Cumberland Planning and Inspections Department stating the following:

The County of Cumberland Planning and Inspections Department said: Connection to public water is required; the Town of Linden must approve water plans prior to application for any permits. A copy of the towns approval must be provided to Code Enforcement at the time of applications for building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)

On Sept. 8, 2011 I went to the Town Hall of Linden and I paid 1450.00 (1300.00 for tap, 50.00 for meter box, and 100.00 water deposit only to be refunded if I die or move.) The following is what was written within my agreement with the Town of Linden. The following is what my agreement stated:

Residential Water Users Agreement. In part (d) User's shall install and maintain at User's own expense a 3/4 inch cut-off valve on the User's side of the water meter and a service line which shall begin at the meter and extend to the dwelling or place of use. the service line shall connect with the water system at the nearest place of desired used by the User, provided the Town has determined in advance that the water system is of sufficient capacity to permit the delivery of water at that point.

I was given a copy of a diagram by which I was instructed on how I was to hook up to public water. I was told to give the diagram to a licensed plumber to do the job. I was under the understanding that a tap and meter box would be installed on my property and I would have to run a 3/4 inch line to the dwelling, which was approx. 350 ft from the corner of my property where I thought the Town of Linden would install the tap and meter box. I was told later that they would not need to install a tap and meter box because there was already one out there. When I went to find the tap and meter box I found that the tap and meter box the Town of Linden was referring to was approx 38 feet over on my neighbors property. I asked the Town of Linden if they could move the tap and meter box to my property or put in a new one on my property. I was told they would not because it would cost too much to run the water line under the "blue line stream", and that I would need to get an easement from my neighbor and use the tap and meter box that was already out there.

Between Sept. 8, 2011 and Sept. 19, 2011 I spoke with Patty Spikes, in the office of County of Cumberland Planning and Inspections Department, who said I could try to get an encroachment.

On Sept. 19, 2011 under the instructions of the County of Cumberland Planning and Inspections Department I went down to the DOT office to file for a RIGHT OF WAY ENCROACHMENT AGREEMENT PRIMARY AND SECONDARY HIGHWAYS.

On Sept 20, 2011 I was contacted by Gary Burton, Assistant District Engineer, to be told I am not the one who can file for this agreement. Gary Burton said the Town of Linden was the one who had to do it. When I gave this information to Marie J. Butler, the town Mayor, she told me that they were not getting an encroachment that I could do it if I wanted one. I explained that the DOT office said it had to be done this way. I was told by the Mayor I should have never called the DOT office and gotten them involved.

I have never been in the position that I am today and I only can look to the offices of the State, County, and Town for advice to find a way to get water to my property as required by the County of Cumberland at this time.

On Sept 27, 2011 I went to speak with my neighbor about an easement. He denied me an easement and I asked if he would at least write an affidavit to that fact. He stated the following:

1. I would rather you not dig on my property now or in the future.
2. Last time there was a lot of debris left and wasn't appreciated.

On Sept. 29, 2011 I received the following letter dated Sept. 27, 2011 from the Town of Linden's Mayor:

Re: Water Line for 8988 Coats Road, Linden, North Carolina

Dear Ms. Wiltcher:

After a lengthy and detailed discussion by the Town Board of Commissioners regarding your request for water services for your property located on Coats Road. The Board has directed me to inform you of the following two alternatives that would be available for your consideration:

1. The Town would consider extending the existing water line to serve your property, but be advised that the engineering standards would be very much in excess of a simple 3/4 inch line. Since any system extension would have to be approved by the State and would require the hiring of a certified engineer by the Town and in our opinion would be cost prohibitive for you. If you decide to consider this, then we will obtain and estimate of the engineering costs and would require you to agree to sustain this expense. Be advised that there is under the US Code of Engineers a "blue line stream" that requires a special permit from the Code of Engineers.

2. There exists at the end of our water line a tap and water meter box with no meter set at this time. Since your property is not adjacent to that meter box you would be required to obtain an easement from any intermediate landowner between your property and the meter box. It is our understanding that the distance may be as small as 10 feet, but would require you to obtain that easement to hook up to a meter. This appears to the Town to be the only reasonable cost effective method to obtain water for you.

If you choose not to avail yourself of either of these two alternatives then upon your written request the Town will refund the money you paid for installation of a meter immediately.

If we do not receive a request for alternatives one or two then at the close of business on October 5, 2011 we will automatically prepare and mail to your above-address a check refunding your money.

Thank you very much
Marie J. Butler
Mayor

Although I have tried every way possible to get hooked up to public water it seems impossible for me. My neighbor refuses an easement and I can not blame him for what future use he may have planned for his property. DOT will not give me an encroachment. I am told the Town of Linden must do the encroachment. Linden refuses to get an encroachment unless I agree to pay for the estimate as well as the work. This is something that just last year as a Town they were not willing to pay because it was too high of cost and too much of a hassle to get permits for a "blue

line stream", this I was told by the Mayor of Linden as well as Gene Berrier with Clayton Engineering, who was the engineer on the job of laying the water line for the Town of Linden.

No other resident of Linden has been required to run a public utility water line to their property in order to hook up to water. I am in the process of getting a cost estimate from an engineer, but I have been told by the Town of Linden it is very expensive and that is the reason they stopped the line where they did because it cost them too much to put in a water line any further due to the fact they would have to cross a "blue line stream" to get to my property. This leaves me as a landowner to have to pay their cost for their lines and their work so that I could hook up to public water. If in the future Linden decides to pay the cost of crossing a "blue line stream" to bring a water line to my property so I can have a tap and meter box installed I would be glad to hook on. However if the cost now is too high for the Town of Linden it will not be any less expensive for me as a citizen of Linden. The Town would be the ones required by DOT to get a 2 party encroachment in their name. I would be paying the bill and have absolutely no control over the water line I am asked to pay for in order to buy water from the Town of Linden. Leaving the large cost to me and if and when Linden did extend the water line I would not benefit from my cost in any way since it would belong to the Town of Linden.

If I knew I would be where I am today I would have filed for a wavier and got in on the Oct. Commissioners Board Meeting. Yet I was being told by Patty Spikes who says she is at every meeting that waivers are rarely given if at all. I was told by the Town of Linden that the board would not give me a wavier since water is within 300 feet of my property. So I did as I was advised by each and every office to include the Town of Linden, County of Cumberland Planning and Inspections Department, North Carolina DOT, and Clayton Engineering and in the end I have gone down every road I feel I can at this point. With no easement available to me, and NC DOT not allowing me an encroachment, and Linden refusing to run water line to my property and installing a tap and meter box on my property I do not see any other way to have water except to hook up to my existing water well supply which has enough pressure to supply water to the new dwelling that I am trying to put on my property at this time. Until I have a wavier or Linden runs a water line to where they can install a tap and meter box on my property I have no other options and I can not move forward with the manufactured home and get the permits that I need. I did seek the advice of an attorney and he basically told me I am stuck between governments, the Town of Linden, the State of NC, and Cumberland County.

I am a widow living with my 23 year old daughter who has disabilities. My plans to put an addition to my property were to give her some independence. Her doctors have encouraged me to give her as much independence as possible to give her the best quality of life she can have. Having her own home where I still take care of her daily needs would be a great move forward for her. As I know I will be caring for her the rest of her life.

Since NC DOT is saying only the Town of Linden can do the encroachment and put in a water line, and the Town of Linden is refusing to run a water line, and my neighbor is refusing an easement, I do not see how I am able to hook up to public water at this time. I am asking the Board to see my hardships and grant me a wavier to use my existing well that will more than supply the water I need now and in the future until the Town of Linden puts in a water line to supply water to my property.

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



CUMBERLAND COUNTY
COUNTY of CUMBERLAND
Planning and Inspections Department

Attachment
B

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

STAFF REVIEW: 08-30-11 PLANNING BOARD DECISION: N/A

CASE NO: 11-082 NAME OF DEVELOPMENT: CAROL A. WILTCHER PROPERTY

MIA: N/A GROUP DEVELOPMENT REVIEW

LOCATION: 8988 COATS ROAD ZONING: A1

PIN: 0544-80-5807- /~

OWNERS / DEVELOPER: CAROL WILTCHER ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Town of Linden must approve water plans prior to application for any permits. A copy of the Town's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Note: The developer is strongly encouraged to contact the Town of Linden prior to drafting design plans and commencement of any development on this site, especially regarding the location of sidewalks in relation to the existing and/or proposed Town water lines.) (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Attachment C

Town of Linden, North Carolina

Residential Water Users Agreement

User's Mailing Address:
Carol A Wiltcher
Name
8988 Coals Rd
Street, Route or P.O. Box
Linden NC 28356
City or Town, State, Zip
3
Number of Persons Living
in Household
(910)822-3267
Phone# ~~910~~

ck 5591 \$100.00 Water Deposit
Amount Paid
RH \$1350.00 Tap Fee
Receipt No.

Property No.

Customer No.

Landlord Name/No.

This Agreement, made and entered into this 8 day of Sept, 2011, between the Town of Linden, North Carolina (hereinafter "Town") and Carol Wiltcher (hereinafter "User"), a potential user of the water system owned and operated by the Town.

WITNESSETH:

WHEREAS, user desires to purchase water from the Town and enter into this Agreement as hereinafter set forth.

NOW THEREFORE, in consideration of the mutual promises herein set forth, it is agreed by the Town and the User as follows:

1. The property which is the subject of this Agreement and to which water shall be supplied as hereinafter provided is described as follows:

2. In the event that a water distribution line is available to the User and the property described, then the following agreement shall apply:

(a) The Town, pursuant to the Rules and Regulations of this water system, agrees to provide potable water to the User.

(b) Should this Agreement be for ^{Home Buyers or} rental property, the amount of the deposit as set forth in the said Rules and Regulations, shall be \$100.00 Said deposit shall be paid by or on behalf of the Tenant prior to the commencement of water service. Additionally, prior to commencement of water service, the Tenant must complete and file a Tenant Water Application.

(c) The User grants to the Town, its successors and assigns, a perpetual easement in, over, under and upon the above described land with the right to use, operate, inspect, repair, maintain, replace, and remove water lines, meters, meter service facilities and a pertinent facility thereon, together with the

right of ingress and egress over adjacent land for the purposes mentioned above.

(d) User shall install and maintain at User's own expense a 3/4 inch cut-off valve on the User's side of the water meter and a service line which shall begin at the meter and extend to the dwelling or place of use. The service line shall connect with the water system at the nearest place of desired use by the User, provided the Town has determined in advance that the water system is of sufficient capacity to permit the delivery of water at that point.

(e) User agrees to comply with all requirements, rules, regulations and ordinances applicable to water use adopted by the Town and the requirements of the division of Health Services of the North Carolina Department of Environment, Health and Natural Resources. User further agrees that upon and after the date a plumbing connection is made between the User and the Town's water system, User shall allow no cross-connection to exist between the Town's water system and any pipeline containing a contaminant or any pipeline connected to other present or future sources of water.

(f) User agrees to pay for water at such rates, time and place as shall be determined by the Town and agrees to the penalties for non-compliance with the above, as set out in the Rules and Regulations of the Town of Linden Water System.

(g) Users shall be responsible for paying at least the minimum monthly water bill, whether or not water is actually used, commencing on the date that the tap is installed.

(h) User agrees to abide by the Rules and Regulations of the Town of Linden Water System, as from time to time promulgated and, to the extent the above described property is outside the corporate limits of the Town, User further agrees to abide by such other Cumberland County Ordinances, rules and regulations with respect to water service connections, as are adopted by the Cumberland County Board of Commissioners. Additionally, User agrees to obtain the necessary inspections and permits related to water service connections as required by the inspection section of the Cumberland County Planning Department or other inspection departments of the County and/or the Town.

(i) User agrees that there shall be one water connection for each building or structure requiring water connection on the above described property. Per agreement with developer who constructed line, the Town will not charge a tap-on fee for the water connection in place for user at time Town assumed operation of the distribution main serving user. Additional meters and tap-on fees shall not be necessary for non-residential structures on such property auxiliary (i.e. barns) to the main structure receiving water service. The Town Board, in its sole discretion, can require additional meters if it determines that a building claimed to be auxiliary is being used in a manner other than as auxiliary to the main structure receiving water service.

(j) The Town shall have final jurisdiction on any question of location of any service line connection to its water system; shall determine the allocation of water to User in the event of a water shortage; and may shut off water to User if User allows a connection or extension to be made to User's service for the purpose of supplying water to another user.

(k) In the event User transfers title or agrees to transfer title to the above described property, before or after such connection, User agrees that this Agreement shall run with the land and the property title and agrees to advise the new owner and furnish new owner a copy hereof.

Signed by User this 8th day of Sept, 2011.

SIGN Carol Wilcher

Ruby Hedges
WITNESS

WITNESS

Signed by the Town of Linden this 8th day of Sept, 2011.

TOWN OF LINDEN

BY:

Ruby Hedges
P.O. Box 130
Linden, NC 28356

Phone# (910)980-0119

Payments due in office by 10th of every month to prevent \$10.00 late fee.
If not paid before 25th cut off without notice and there is a \$60.00 reconnect fee.

TOWN OF LINDEN WATER SYSTEM

WATER USER'S INFORMATION

DATE: 9-8-11 SOCIAL SECURITY # 570-11-2536

SERVICE ADDRESS: 8980 Coats Rd
Linden NC 28356

NAME: Carol A. Wilteher

DRIVERS LICENSE #: NC 3415489

BIRTHDATE: 2-19-61

EMPLOYER: Self Employed

EMPLOYER'S ADDRESS: 3439 Ramsey St
Fayetteville NC 28311

EMPLOYER'S PHONE NUMBER: (910) 488-8314

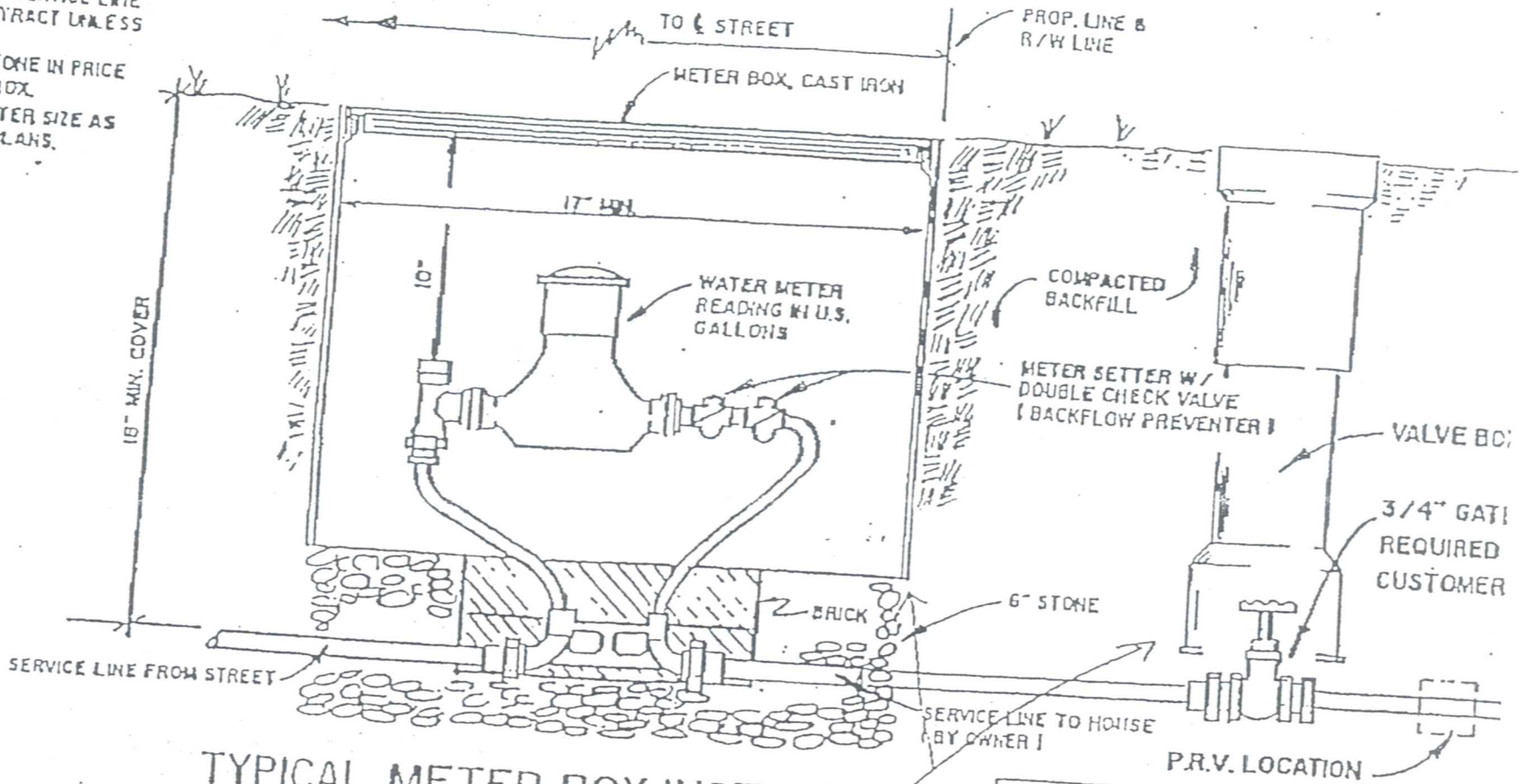
NAME OF NEAREST RELATIVE: William L Surbrook

RELATIVE'S ADDRESS: 7041 Silverwood St
San Diego CA 92114

RELATIVE'S PHONE NUMBER: (619) 475-8553

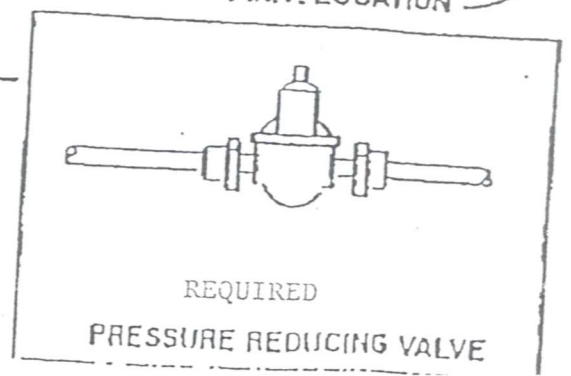
Cut off valve requirement as specified in "An Ordinance Regulating the Use of Water and Sewer Facilities operated by the County of Harnett, Section 32" and authorized by the Harnett County Board of Commissioners, September 6, 1994.

- NOTES:**
1. METER AND SERVICE LINE NOT IN CONTRACT UNLESS SPECIFIED.
 2. INCLUDE STONE IN PRICE OF METER BOX.
 3. METER SETTER SIZE AS NOTED ON PLANS.



TYPICAL METER BOX INSTALLATION
NO SCALE

12" Between cut off valve & meter Box



PROJECT SR 1608 COUNTY OF

DEPARTMENT OF TRANSPORTATION RIGHT OF WAY ENCROACHMENT AGREEMENT
PRIMARY AND SECONDARY HIGHWAYS

-AND-
Carol A. Wiltcher
988 Coats Rd, Linden NC 28356
(910) 857-2093 + (910) 822-3267

IS AGREEMENT, made and entered into this the 19th day of Sept. 20 11 by and between the Department
Transportation, party of the first part; and Carol A. Wiltcher
party of the second part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as
ute(s) SR 1608, located .5 miles North off
401 North (RAMSEY St)

for the construction and/or erection of: Needing to hook up to Linden water Tap.
on line along Road way to edge of my property. Then will
take Line onto my property to new manufacture Home being put on property
See Attachment

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of
first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the
right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right
and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are
a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of
the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such
revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures
may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and
proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance
thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures
necessary due to the installation and existence of the facilities of the party of the second part, and if at any time the party of the first part
shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his
successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the
party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights,
flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices
for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained
from the Division Engineer of the party of the first part.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and
claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the
Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during
construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water
impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations
of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances
and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any
installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to
remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the
first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the
Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this
agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless
evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part
agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed.
Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will
not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves
the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the
first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not
begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the
second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as
the "contractor"), agrees as follows:

- a. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-
assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be
amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and
made a part of this contract.
- b. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the
grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials

and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

- c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
- (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "F" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

R/W (161) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (161) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

TEST OR WITNESS:

Willie Al Maynor
Willie Al Maynor

Carol A. Wiltcher
Carol A. Wiltcher
Property Owner
Second Party

INSTRUCTIONS

When the applicant is a corporation or a municipality, this agreement must have the corporate seal and be attested by the corporation secretary or by the empowered city official, unless a waiver of corporate seal and attestation by the secretary or by the empowered city official is on file in the Raleigh office of the Manager of Right of Way. In the space provided in this agreement for execution, the name of the corporation or municipality shall be typed above the name, and title of all persons signing the agreement should be typed directly below their signature.

When the applicant is not a corporation, then his signature must be witnessed by one person. The address should be included in this agreement and the names of all persons signing the agreement should be typed directly below their signature.

This agreement must be accompanied, in the form of an attachment, by plans or drawings showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the existing and/or proposed encroachment.
4. Length, size and type of encroachment.
5. Method of installation.
6. Dimensions showing the distance from the encroachment to edge of pavement, shoulders, etc.
7. Location by highway survey station number. If station number cannot be obtained, location should be shown by distance from some identifiable point, such as a bridge, road, intersection, etc. (To assist in preparation of the encroachment plan, the Department's roadway plans may be seen at the various Highway Division Offices, or at the Raleigh office.)
8. Drainage structures or bridges if affected by encroachment (show vertical and horizontal dimensions from encroachment to nearest part of structure).
9. Method of attachment to drainage structures or bridges.
10. Manhole design.
11. On underground utilities, the depth of bury under all traveled lanes, shoulders, ditches, sidewalks, etc.
12. Length, size and type of encasement where required.
13. On underground crossings, notation as to method of crossing - boring and jacking, open cut, etc.
14. Location of vents.

GENERAL REQUIREMENTS

1. Any attachment to a bridge or other drainage structure must be approved by the Head of Structure Design in Raleigh prior to submission of encroachment agreement to the Division Engineer.
2. All crossings should be as near as possible normal to the centerline of the highway.
3. Minimum vertical clearances of overhead wires and cables above all roadways must conform to clearances set out in the National Electric Safety Code.
4. Encasements shall extend from ditch line to ditch line in cut sections and 5' beyond toe of slopes in fill sections.
5. All vents should be extended to the right of way line or as otherwise required by the Department.
6. All pipe encasements as to material and strength shall meet the standards and specifications of the Department.
7. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
8. The Department's Division Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.

AFFIDAVIT

North Carolina

County of CUMBERLAND

Kevin Glenn Connds, appearing before the undersigned
Name of principal

notary and being duly sworn, says that:

1. I would rather you not dtg on my property now or in the future.
2. Last time there was a lot of debris left and wasn't appreciated.

Kevin Glenn Connds
Principal's Signature

Sworn to (or affirmed) and subscribed before me this the 27th day of SEPTEMBER, 2011.



Alton Maynor
Official Signature of Notary

ALTON MAYNOR, Notary Public
Notary's printed or typed name

My commission expires: 7-25-15

MAYOR
Marie Jackson Butler

MAYOR PRO-TEM
Frances B. Collier



COMMISSIONERS

Barbara C. Denning
Ronnie Maness
Betsy Small
Jacob Ulvestad

September 27, 2011

Town of Linden

*Attachment
F*

Ms. Carol A. Wiltcher
8988 Coats Road
Linden, NC 28356

RE: Water Line for 8988 Coats Road, Linden, North Carolina

Dear Ms. Wiltcher:

After a lengthy and detailed discussion by the Town Board of Commissioners regarding your request for water services for your property located on Coats Road. The Board has directed me to inform you of the following two alternatives that would be available for your consideration:

1. The Town would consider extending the existing water line to serve your property, but be advised that the engineering standards would be very much in excess of a simple $\frac{3}{4}$ inch line. Since any system extension would have to be approved by the State and would require the hiring of a certified engineer by the Town and in our opinion would be cost prohibitive for you. If you decide to consider this, then we will obtain an estimate of the engineering costs and would require you to agree to sustain this expense. Be advised that there is under the US Core of Engineers a "blue line stream" that requires a special permit from the Core of Engineers.
2. There exists at the end of our water line a tap and water meter box with no meter set at this time. Since your property is not adjacent to that meter box you would be required to obtain an easement from any intermediate landowner between your property and the meter box. It is our understanding that the distance may be as small as 10 feet, but would require you to obtain that easement to hook up to a meter. This appears to the Town to be the only reasonable cost effective method to obtain water for you.

If you choose not to avail yourself of either of these two alternatives then upon your written request the Town will refund the money you paid for installation of a meter immediately.

If we do not receive a request for alternatives one or two then at the close of business on October 5, 2011, we will automatically prepare and mail to your above-address a check refunding your money.

Thank you very much.

Marie J. Butler
Marie J. Butler
Mayor

Roy Turner,
Chair
Cumberland County

Walter Clark,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris,
Town of Linden



COUNTY of CUMBERLAND
Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Lori Epler,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

STAFF REVIEW: 08-30-11 PLANNING BOARD DECISION: N/A

CASE NO: 11-082 NAME OF DEVELOPMENT: CAROL A. WILTCHER PROPERTY

MIA: N/A GROUP DEVELOPMENT REVIEW

LOCATION: 8988 COATS ROAD ZONING: A1

PIN: 0544-80-5807-

OWNERS / DEVELOPER: CAROL WILTCHER ENGINEER OR DESIGNER: N/A

PLANNING & INSPECTIONS DEPARTMENT ACTION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

PLANNING BOARD DECISION:

- PRELIMINARY
- EXTENSION REVISION
- APPROVED CONDITIONALLY
- DENIED

The development plat/plan you submitted to this office is conditionally approved. Your approval is subject to the following conditions:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.) (Section 2306 A, Water and Sewer, County Subdivision Ordinance)
3. Connection to public water is required, the Town of Linden must approve water plans prior to application for any permits. A copy of the Town's approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Note: The developer is strongly encouraged to contact the Town of Linden prior to drafting design plans and commencement of any development on this site, especially regarding the location of sidewalks in relation to the existing and/or proposed Town water lines.) (Section 2306 A.1, Public Water and Sewer Systems, County Subdivision Ordinance)
4. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

5. New development where the developer will disturb or intends to disturb more than one acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the State's *Post-Construction Permit* must be provided to County Code Enforcement.
6. For any new development where the developer disturbs or intends to disturb more than one acre of land, the developer must provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the A1 zoning district must be complied with, as applicable.
9. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2306 D, County Subdivision Ordinance)
10. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306 C, County Subdivision Ordinance)
11. A new driveway most likely will not be permitted by the NC Department of Transportation (NCDOT). If driveways are changed or added, the developer must first obtain a driveway permit from the NCDOT. If required and allowed, a copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.

Advisories:

12. The applicant is advised to consult an expert on wetlands before proceeding with any development.
13. An internal street system most likely will be required by the NC Department of Transportation (NCDOT) to serve any future divisions of this tract.
14. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
15. This conditional approval is approval of the addition of the second dwelling unit only and is not approval of any use of the existing accessory buildings located on the subject property.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Daniel Ortiz	433-3680
Town of Linden:	Ruby Hendges (Town Clerk)	980-0119
Harnett Co. Public Utilities:	Tim Payseur	893-7575 ext 3275
County Public Utilities:		678-7682
Corp of Engineers (wetlands):	Crystal C. Amschler	(910) 251-4170

NCDENR (E&S): Sally Castle 433-3300
Location Services:
Site-Specific Address: Ron Gonzales 678-7616
Tax Parcel Numbers: 678-7549
NCDOT (driveways/curb-cuts): Gary Burton 486-1496
N.C. Division of Water Quality: Mike Randall (919) 733-5083 ext. 545

cc: Ruby Hendges, Town of Linden

OFFICIAL PRELIMINARY STAMP
CUMBERLAND COUNTY
CASE NO: **11-082**

THIS PLAN APPROVED BY THE CUMBERLAND COUNTY PLANNING &
INSPECTION DEPARTMENT ON: **8-30-11**

COMMENTS: SUBJECT TO CONDITIONS

I CERTIFY THAT THIS PLAN HAS BEEN APPROVED BY THE CUMBERLAND
COUNTY PLANNING & INSPECTIONS DEPARTMENT AS DRAWN HEREON
AND MAY BE USED FOR ANY OFFICIAL PURPOSE AS PERMITTED BY LAW.
THIS APPROVAL IS VALID UNTIL: **12-31-13**

Patricia S. Spucher **GB**

SUPERVISOR, LAND USE CODES