

## **REQUEST FOR BOARD ACTION**

### **HENDERSON COUNTY BOARD OF COMMISSIONERS**

**MEETING DATE:** March 15, 2006

**SUBJECT:** MUD CREEK SANITARY SEWER INTERECPTOR PHASE II

**ATTACHMENTS:** COPY OF LETTER FROM FLETCHER ACADEMY

**SUMMARY OF REQUEST:** In the past few weeks staff was approached by Fletcher Academy inquiring about the availability of sanitary sewer service to a portion of their property located on the east side of Interstate 26. Fletcher Academy is planning a residential development for this area. Staff has been in discussions with Fletcher Academy on the continuation of the Mud Creek Sanitary Sewer Interceptor Project Phase II that would allow this area to be connected to the public sewer system by gravity and not use pump stations. Fletcher Academy has come forward with an offer to assist the County with the construction of Phase II of the Mud Creek Interceptor Project. A copy of the letter from Fletcher Academy is attached. Fletcher Academy is offering to contribute up to \$400,000, provide all necessary easements on their property through to Howard Gap Road, provide all on site sewers including the Byers Creek outfall as part of the development project, and within 10 years connect to public sewer the existing wastewater treatment facility serving the Fletcher Academy and Park Ridge Hospital. Having this offer from Fletcher Academy makes it an attractive time to move forward with the Mud Creek Sanitary Sewer Interceptor Project Phase II.

Should the Board of Commissioners wish to proceed with Phase II of the Mud Creek Interceptor Project then it is recommended that the current engineering contract for Phase I of the Mud Creek Interceptor Project be modified to include Phase II and that a formal agreement be developed with Fletcher Academy.

The County Engineer will be present to discuss this matter with the Board of Commissioners.

#### **COUNTY MANAGER'S RECOMMENDATION/ACTION REQUIRED:**

Recommend the current engineering contract for Phase I of the Mud Creek Interceptor Project be modified to include Phase II and that a formal agreement be developed with Fletcher Academy.

March 7, 2006

Gary Tweed  
Office of the County Commissioner  
802 Stoney Mountain Road  
Hendersonville, NC 28791

Dear Gary,

Pursuant to our recent conversations concerning the proposed high density residential community construction project, commonly referred to as Naples Crossing. Fletcher Academy, Inc. in conjunction with Hallmark Developers is pleased to recommend the following proposal:

- \$400,000 (Maximum) value transaction to Henderson county. This could be realized through cash or equivalents, land swap for economic development and or the combination of the same
- \$35,000 contribution at residential project completion, towards infrastructure required to connect current Fletcher Academy, Inc. sewer system to the newly proposed county supplied system, connect to be effected through Naples Crossing sewage infrastructure system. (Subject to other arrangements having already been made: R.E. interim pump station)
- Fletcher Academy, Inc. would commit to connect the effluent discharge from its current waste water treatment facility to the county sanitary sewer system on or before date 10 years after the date of Naples Crossing project completion. Completion being defined as the date of issuance of the certificate of occupancy for the last phase of this three phase project.

-Fletcher Academy, Inc. will make a good faith payment of \$25,000 at the construction start phase of the sewer project, with the balance being paid in a lump sum payment at sewer project completion. Start phase being defined as when actual construction begins and completion defined as when certificate of use is issued.

- Fletcher Academy, Inc. would grant easement across Fletcher Academy, Inc. property or right of ways to Henderson County, for access to Howard Gap Rd. area with the sewer mainline as is reasonably within our capability and jurisdiction.

In return for the above considerations/ compensations Henderson County agrees to:

- Provide an adequate gravity sewage drainage system to support the needs/requirements of Naples Crossing and expansion
- Said system would have an 18 month ready/use construction time from date of program agreement. (start of agreement being defined as the date the county commissioners approve the project.)
- Pay/be responsible for any and all easement acquisition costs. Note: Fletcher Academy, Inc. agrees to work with Henderson County to the best of its ability to assist in easement acquisition.
- Be responsible for any Naples Crossing sewage effluent treatment and/or movement costs (including pump and truck or pump and treat) after the 18 month construction timeline, if said project is not complete.
- Allow for approval/ provide for zoning requirements to accommodate said high density residential community (Naples Crossing).

Gary, we are excited to be proposing this project to Henderson County and look forward to working with you on the same.

Sincerely,

Curt Watkins  
CEO and President  
Fletcher Academy, Inc.

Stan Robinson  
President  
Hallmark Development