

## REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** April 17, 2013

**SUBJECT:** Approve Permanent Utility Easement  
Proposed Jackson Park Interceptor  
Hendersonville Utilities

**PRESENTER:** Marcus Jones, P. E.

**ATTACHMENTS:** Yes

1. Easement Document
2. Easement Survey Attachment
3. Aerial of Easement Location
4. Project Description Email from City Engineer

#### **SUMMARY OF REQUEST:**

The City of Hendersonville is requesting a permanent utility easement for their proposed Jackson Park Interceptor. A detailed description of the project is provided by the City Engineer within the attached email. A portion of the project is located on a currently unused, wooded area of Jackson Park. The alignment as presented in the easement has been reviewed by the County Engineer and the Recreation Director with no significant negative impacts anticipated. The park will be positively impacted by replacing the pump station at southeastern edge of the park with a gravity sewer line greatly reducing the possibility of sewage spills. Also with the proposed line, we will be able to provide sewer service to the Jackson Park office at a lesser cost if needed.

**BOARD ACTION REQUESTED:** Approve the Permanent Utility Easement with the City of Hendersonville for the Jackson Park Sewer Interceptor located County property in Jackson Park.

#### **Suggested Motion:**

*I move that the Board approve the Permanent Utility Easement with the City of Hendersonville for the Jackson Park Sewer Interceptor located County property in Jackson Park.*

**Excise Tax: \$0.00**

This document was prepared by: Samuel H. Fritschner

Return to: Fritschner

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

Brief Description for the index

Jackson Park Sewer Line Easement

## **NORTH CAROLINA DEED OF EASEMENT**

This Deed made this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between THE COUNTY OF HENDERSON, NORTH CAROLINA, GRANTOR, a North Carolina body politic, and THE CITY OF HENDERSONVILLE, a North Carolina municipal corporation, 145 Fifth Avenue East of the County of HENDERSON, State of NORTH CAROLINA, Grantee.

### **WITNESSETH:**

That for and in consideration of the sum of ten dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the has bargained, sold and conveyed, and by these presents does bargain, sell and convey unto the Grantee, its successors and assigns in fee simple absolute the following described parcel or interest in real property situated in the Township of Hendersonville, County of Henderson, State of North Carolina:

Being a sewer easement forty feet in width, having as its center line that "Center of Proposed Jackson Park Sewer Interceptor" as shown on the plat thereof attached hereto, which may be marked as Appendix A, and which is made a part hereof by this reference, for the purposes of operation and maintenance of its wastewater system.

There is also conveyed herewith the right to enter upon the land for purposes of laying additional lines, pipes and conduits, and as a means of ingress and egress to repair and maintain the sewer system as shown on the said Appendix A.

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TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appearing, unto the said part of the second part heirs and assigns forever.

IN TESTIMONY WHEREOF, said Grantor has caused these presents to be signed in its name by the Chairman of its Board of Commissioners, and its county seal to be hereto affixed and attested by its Clerk the day and year first above written.

**COUNTY OF HENDERSON, NORTH CAROLINA**

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Charles Messer, Chair  
Henderson County Board of Commissioners

Attest:

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Teresa L. Wilson,  
Clerk to the Board of Commissioners

COUNTY SEAL

State of North Carolina  
County of Henderson.

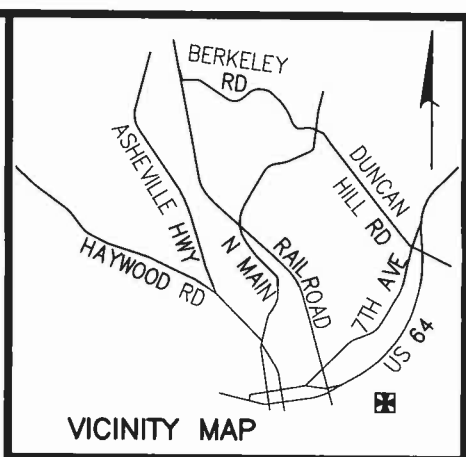
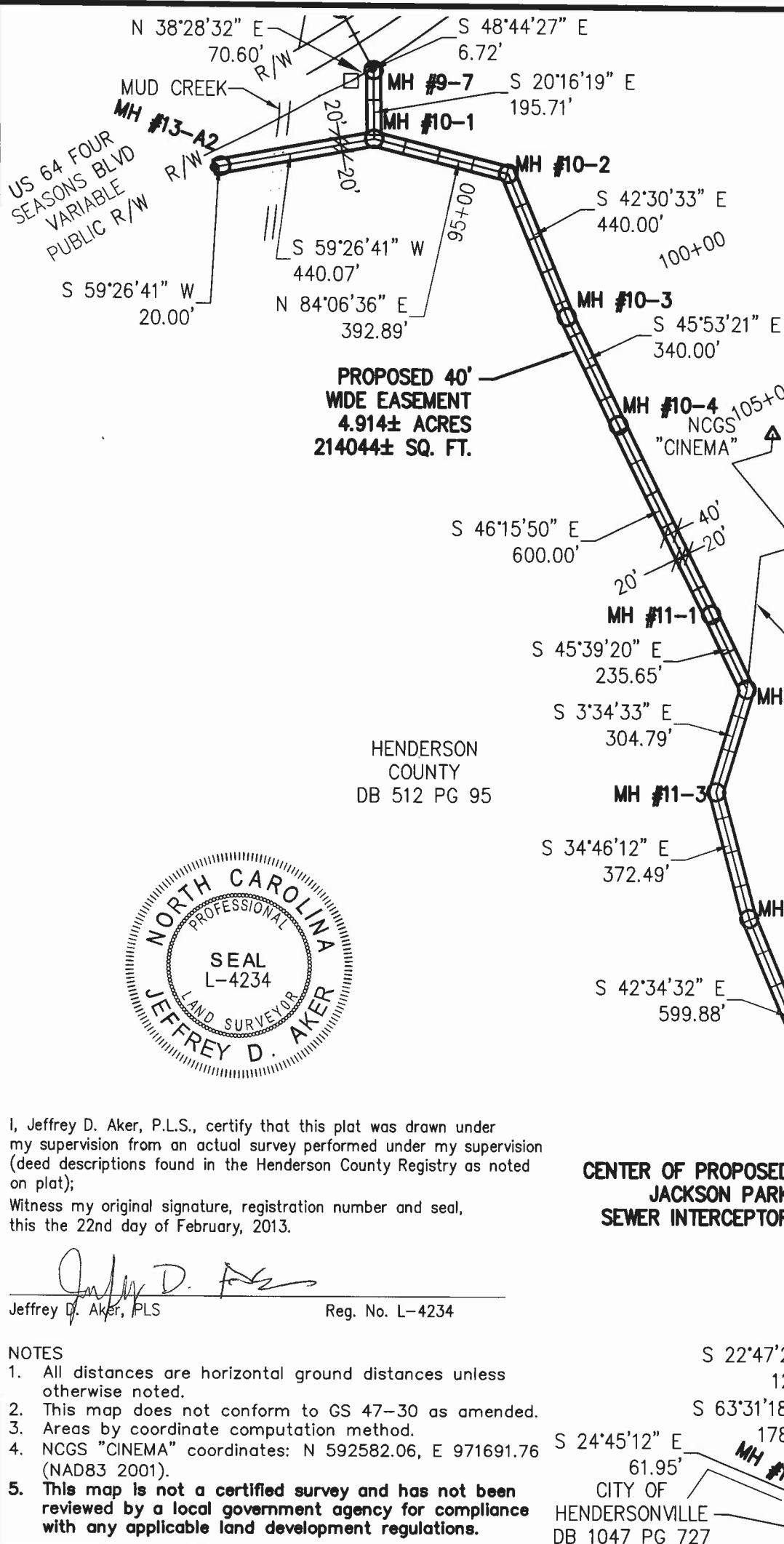
I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that Charles Messer, in his capacity as Chairman of the Board of Commissioners of Henderson County and Teresa L. Wilson, in her capacity as Henderson County Clerk, appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of 2013.

My commission expires:

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Notary Public

SEAL



**LEGEND**

NTS	Not To Scale
R/W	Right-of-Way
⊗	Calculated Point
⊙	MH Existing
⊙	MH Proposed
□	R/W Monument Found



I, Jeffrey D. Aker, P.L.S., certify that this plat was drawn under my supervision from an actual survey performed under my supervision (deed descriptions found in the Henderson County Registry as noted on plat);  
 Witness my original signature, registration number and seal, this the 22nd day of February, 2013.

*Jeffrey D. Aker*  
 Jeffrey D. Aker, PLS Reg. No. L-4234

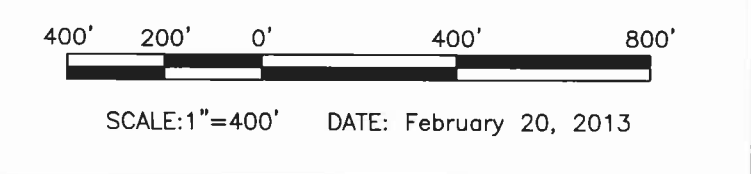
- NOTES**
- All distances are horizontal ground distances unless otherwise noted.
  - This map does not conform to GS 47-30 as amended.
  - Areas by coordinate computation method.
  - NCGS "CINEMA" coordinates: N 592582.06, E 971691.76 (NAD83 2001).
  - This map is not a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations.

**Mattern & Craig**  
 CONSULTING ENGINEERS • SURVEYORS  
 12 BROAD STREET  
 ASHEVILLE, NORTH CAROLINA 28801  
 (828) 254-2201  
 FAX (828) 254-4562  
 Comm. No. 3126B

Survey For  
**City of Hendersonville**  
 Henderson County, North Carolina

**Sanitary Sewer Easement  
 Henderson County Property**

TAX REFERENCE: 9578280466 & 9578095003  
 LEGAL REFERENCE: Deed Book 512 Page 95  
 TOWNSHIP: Hendersonville Township





9569917823  
28.56 Acres  
03/11/1994 DB 00094A Pg 00072  
CITY OF HENDERSONVILLE  
\$242800

9579118417  
24.84 Acres  
01/30/2006 DB 001261 Pg 00220  
THOMAS, CHARLES W.; THOMAS, MARGARET S  
\$7720

9578280466  
177.99 Acres  
08/31/1973 DB 000512 Pg 00095  
HENDERSON COUNTY  
\$1551200

9578280466  
177.99 Acres  
08/31/1973 DB 000512 Pg 00095  
HENDERSON COUNTY  
\$1551200

9578395229  
137.18 Acres  
11/18/1998 DB 000970 Pg 00771  
THOMAS, MARGARET S TRUSTEE ; ROYCE P THOMAS TRUST ; THOMAS, MARGARET S ; THOMAS, CHARLES W  
\$67786

9578489699  
37.62 Acres  
10/22/2010 DB 001443 Pg 00618  
FOREST LAWN MORTUARY INC  
\$241000

9578475475  
9.46 Acres  
12/23/1997 DB 000942 Pg 00148  
NC  
\$96500

9578478188  
6.25 Acres  
07/22/1998 DB 000959 Pg 00333  
NC  
\$69600

9578463372  
23.63 Acres  
05/08/1974 DB 000519 Pg 00423  
THOMAS, MARGARET S ; THOMAS, MARGARET S/TRUSTEE  
\$37216

1 inch = 400 feet

Path: H:\A\_ED\_DESIGN\_2011\11003-Jackson Park Sanitary Sewer Improvements\GIS\20130304 - Henderson County easement 11x17.mxd Date: 4/3/2013 Time: 11:22:35 AM

**From:** [Detwiler, Brent](#)  
**To:** [Marcus Jones](#)  
**Cc:** [Galloway, Lee](#); [Smith, Lee](#); [Fritschner, Sam](#); [Tim Hopkin](#)  
**Subject:** Jackson Park Sewer Interceptor - easement in Jackson Park property  
**Date:** Wednesday, April 03, 2013 11:29:32 AM  
**Attachments:** [20130228 Jackson Park easement plat.pdf](#)  
[20130304 - Henderson County easement 11x17.pdf](#)

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Marcus,

The City is responsible for the operation and maintenance of over 185 miles of sewer mains, ranging in size from 3 inches to 42 inches in diameter, and 37 sanitary pump stations. A major component of the City's existing collection system is the Jackson Park Pump Station, which has a capacity of approximately 2,200 gpm and is over twenty years old. This pump station was originally built in 1991 by Henderson County and later sold to the City of Hendersonville in 2000. The Jackson Park Pump Station takes flow from approximately 1,700 sewer customers or 20% of the City's sewer customers and discharges into an 8-inch diameter polyvinyl chloride (PVC) force main. The triplex pump station is the City's largest and has two 40 hp (900-gpm capacity each) pumps and one 20 hp (400-gpm capacity) pump. Each of the pumps is overworked and all have reached the end of their useful lives. The City has already replaced the pumps several times over the years. A major sanitary sewer overflow (SSO) event occurred on March 9, 2011 at the pump station that resulted in a Notice of Violation from the Division of Water Quality. Sewerage was discharged to a direct tributary to Bat Fork, an impaired stream. The likelihood of another major SSO event is extremely high. There have been other SSO events in sewers upstream of this pump station over the last several years caused by pumping issues.

Pump stations are known to fail or underperform - usually at the most inopportune time when flows coming in are high. As a result, one of the City's Water and Sewer Department continuous goals is to eliminate pump stations whenever and wherever possible. This saves ratepayers money in decreased operation and maintenance costs over time and decreases possible environmental impacts. The City has developed a project that would serve to eliminate the existing Jackson Park Pump Station. This proposed project is called the Jackson Park Sewer Interceptor. The proposed interceptor will direct flow by gravity almost to the head of the City's wastewater treatment plant, therefore, permanently eliminating issues with the Jackson Park pump station and its force main. The proposed interceptor generally flows from south to north and parallels Mud Creek and Bat Fork.

The proposed interceptor sewer will consist of approximately 1,500 linear feet (LF) of 42-inch, 7,700 LF of 36-inch, 4,800 LF of 30-inch and 440 LF of 24-inch sewer, and approximately 60 manholes mostly in proposed easement. The project will include the demolition of the existing Jackson Park Pump Station and the sealing and abandonment of the existing 8-inch PVC forcemain. This project is expected to take approximately sixteen months to construct and has a capital cost of approximately \$3,946,000. The project will be funded through a low interest loan from the Clean Water State Revolving Fund (CWSRF). It will be administered by the North Carolina Department of Environmental and Natural Resources Construction Grants and Loan Section.

A project schedule, which is yet to be approved by NCDENR, is provided below for your reference:

<b>Jackson Park Sewer Interceptor Project</b>	<b>Date Completed</b>
Title work complete	March 1, 2013
City Council approves resolution authorizing City Attorney to file eminent domain for specific properties	April 4, 2013

NCDOT Encroachment Agreement obtained (crossing of Martin Luther King Boulevard is considered controlled access and is reviewed and approved by Raleigh)	July 1, 2013
All easements obtained and/or condemnation proceedings filed	July 1, 2013
401/404 Permits obtained from US Army Corps of Engineers and NCDENR DWQ	July 8, 2013
Project advertised for public bidding	July 15, 2013
Bid Opening	August 15, 2013
Authority to Award issued by Infrastructure Finance Section	August 30, 2013
City Council awards project	September 5, 2013
Construction commences	October 1, 2013

A significant portion of the sewer is aligned through Jackson Park, and the City requires an easement for the sewer. We have been in touch with you and with Mr. Tim Hopkin throughout the design process. I believe all parties have come up with a sewer alignment and easement area that works. I have attached a map showing the final alignment and easement area for your reference.

Please feel free to give me a call if you have any questions or need additional information. Thank you.

Brent

Brent G. Detwiler, P.E.  
City Engineer  
City of Hendersonville  
305 Williams Street  
Hendersonville, NC 28792  
(828) 697-3060 (office)  
(828) 697-3066 (fax)  
[bdetwiler@cityofhendersonville.org](mailto:bdetwiler@cityofhendersonville.org)  
[www.cityofhendersonville.org](http://www.cityofhendersonville.org)

Pursuant to North Carolina General Statutes Chapter 132, Public Records, this electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it may be considered public record and as such are subject to request and review by third parties.