

.....

C/o HRW Inc.
3815 Barrett Dr.
Raleigh NC 27609
919-968-3660
Fax: 783-9534

AGENDA #3a(1)

Village West Homeowners Association

62 Fernwood Lane
Chapel Hill, NC 27516
January 30, 2004

To: George Small, Engineer
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, NC 27516

Dear Mr. Small:

Enclosed please find a petition signed by property owners along Jay Street in Chapel Hill requesting that the Town proceed with paving this road in order to abate a dust nuisance arising from access to a high-density housing development on Jay Street that was previously approved by the Town.

I have signed this petition as president of the Board of Directors of the Village West Homeowners Association, pursuant to a vote by that body on December 16, 2003 that this petition be signed and submitted on behalf of Village West Homeowners. At the time of that vote, the Board requested that the Town be made aware of the Association's understanding of the intent of this petition as follows:

- 1) that the paving will encompass the entire section of Town-maintained road from Village Drive to the existing signpost indicating the end of town maintenance;
- 2) that the Town will notify the Village West Homeowners Association of any additional steps that are required to initiate the project, including formal opportunities to petition the Town Council regarding the scope and cost to the Association of this project;
- 3) that once a final cost for the paving project has been settled, the Town will bill the Village West Homeowners' Association directly for its share of the project costs on a payment plan that is mutually agreeable to the Town and the Association, and that the Town will not levy these charges as a tax assessment against individual property owners who are members of the Association;
- 4) that responsibility for maintenance of the paved road will be assumed by the Town with no further direct financial liability to Village West or other property owners along Jay Street.

Gayle Hoover, PCAM
Community Manager

Ghoover@hrw.net

Tanya Jones, Asst. Community Manager

TJones@hrw.net

.....

2

January 30, 2004

Page 2

Please refer questions about this petition, requests for further information, notices or other instructions to:

Village West Homeowners Association
Attn: Gayle Hoover, Property Manager
c/o HRW, Inc.; 3815 Barrett Dr; Raleigh, NC 27609

Ms. Hoover may be reached by telephone at 968-3660.

In addition, please also forward a copy of all such correspondence to:

Sally Norton, VWHOA President
62 Fernwood Lane; Chapel Hill, NC 27516

Yours sincerely,



Sally Norton
President
Village West Homeowners Association

cc: Cal Horton, Town Manager
Roger Waldon, Planning Director, Town of Chapel Hill
Larry Tucker, Senior Engineering Coordinator
✓ Kevin Foy, Mayor, Town of Chapel Hill
Bill Strom, Councilmember, Town of Chapel Hill
Ed Harrison, Councilmember, Town of Chapel Hill
Jim Ward, Councilmember, Town of Chapel Hill

Petition for Improving Jay Street
Without Curb and Gutter
(Town-Maintained Street)

We the undersigned property owners do hereby petition the Town of Chapel Hill to pave and make related improvements to Jay Street, an existing Town-maintained street, under the following conditions:

1. 50% of the actual, final total cost of the improvements as determined by the Town upon completion of the project shall be assessed on a pro-rata front footage basis against the owners of properties abutting the improvements. (The undersigned owners understand and agree that any estimates made before the project is complete will not be used in calculating assessments.)
2. The improvements requested may include installing drainage pipe, replacing road base material, and any other construction or reconstruction work and/or materials determined by the Town to be necessary for the project.
3. The property owners may, at their option in accord with N.C. General Statute 160A-232, pay assessments in three annual installments, plus interest at a rate up to 6% a year set by the Town Council in accord with N.C. General Statute 160A-233; or may pay the assessment in full with no interest due within 30 days of publication of a notice that the Town Council has confirmed the assessment roll after the project is complete.
4. The undersigned owners agree to grant to the Town at no cost any right-of-way, construction easement, or right-of-entry needed in connection with this project.

PIN #	Name(s) of Owner(s)	Signature(s) of Owner(s)	Date of Signature(s)	Deed Book & Page #
9788-09-4897	Village West Homeowners Assn. P.O. Box 52328 Durham. NC 27717	<i>Jelly Kilgus President W/HOA</i>	Jan. 30 '04	328/299
9788-09-0009	Leo V. Merritt P.O. Box 191 Carrboro, NC 27510			1094/524
9788-09-2751	Margaret Brook & Anna L Rogers 3711 Dairyland Road Hillsborough Hill, NC 27514	<i>Anna L Rogers Margaret Brook Suzanne Rogers, Justice</i>		2738/118
9778-99-8700	Town of Chapel Hill			221/791