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**Sandy Cook**

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**From:** Carol Abernethy on behalf of Cal Horton  
**Sent:** Monday, September 26, 2005 9:33 AM  
**To:** 'Amy Chute'  
**Cc:** JB Culpepper; Bill Thorpe; Jason Baker; Kevin Wolff; Laurin Easthom; Robin Cutson; Walker Rutherford; Will Raymond ; Bree Bean; Bruce Heflin; Cal Horton; Catherine Lazorko; Emily Dickens; Flo Miller; Ralph Karpinos; Sabrina Oliver; Sandy Cook; Toni Pendergraph; Bill Strom; Cam Hill; Dorothy Verkerk ; Ed Harrison; 'Edith Wiggins'; 'Jim Ward'; Jim Ward (w) ; Kevin Foy; Mark Kleinschmidt ; Sally Greene (w)  
**Subject:** Email RE: Larkspur's unfair surprise  
**Attachments:** Mayor letter of unfair surprise.doc

A copy of your email message has been forwarded to each Council Member, Council candidate(s) and to senior staff members.

Carol Abernethy  
 Exec. Asst., Manager's Office  
 Town of Chapel Hill

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**From:** Amy Chute [mailto:amychute1@yahoo.com]  
**Sent:** Friday, September 23, 2005 8:40 PM  
**To:** Town Council  
**Cc:** Rachel Emerson  
**Subject:** Larkspur's unfair surprise

I know we have missed the deadline for the Council's packets, but could you please forward this letter from one of my neighbor's to the Mayor and Council? It is in regards to the 9/26 Chapel Watch meeting agenda item. Thank you.

Amy Chute

**Rachael Emerson <remerson\_99@yahoo.com> wrote:**

Date: Thu, 22 Sep 2005 19:52:16 -0700 (PDT)  
 From: Rachael Emerson <remerson\_99@yahoo.com>  
 Subject: Fwd: Please don't open Larkspur to Cut-through traffic  
 To: amychute1@yahoo.com

Hi Amy-

It managed to go through to this address and the genreal one tonight. Better late than never.

Rachael

**Rachael Emerson <remerson\_99@yahoo.com> wrote:**

Date: Thu, 22 Sep 2005 19:48:46 -0700 (PDT)  
 From: Rachael Emerson <remerson\_99@yahoo.com>  
 Subject: Please don't open Larkspur to Cut-through traffic  
 To: kevinfoy@townofchapelhill.org

Dear Mayor and town council,

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Please take a moment to read my attached letter. I am writing to explain to you how I feel broadsided (as a first-time homeowner) that the road that will attach my street to a major roadway was not revealed to me in the home purchasing process. I may have been naive and we may not asked the right questions but it still feels really unfair that I was not informed of this important fact until several months after we moved in.

Respectfully yours,  
Rachael Emerson and Paul Crozier  
406 Old Larkspur Way  
Chapel Hill, NC 27516  
919-933-9591

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Tired of spam? Yahoo! Mail has the best spam protection around  
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Tuesday, September 20, 2005

To: Mayor and Town Council

From: Rachael Emerson and Paul Crozier

Subject: Unfair Surprise for Larkspur Residents

I am writing this letter document some of the factors that contributed to the Larkspur residents' surprise earlier this year regarding the proposed road connection to Eubanks Road. I want to stress that we are not complaining about something that we knew about before we bought our homes. At times I wonder if as a first-time home owner I did not ask the proper questions but at other times I feel that we should have been protected by rules that require us to be informed properly about things that would influence our decision to have purchased our home where we did. I feel that we were genuinely surprised by this news earlier this year and ask that the Mayor and Council take this fact into consideration.

### **1. Two Phase Building Approach**

Although Larkspur's application was approved in February 2002, the two Phase building approach prohibited anyone from installing the road extension sign before sometime around January 2005.

According to Resolution A (Adopted Resolution) for Larkspur cluster subdivision (2002-02-25/R-14a), Stipulation Number 43. Certificates of Occupancy: "That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase, and that a note to this effect shall be placed on the final plat."

Larkspur was built in two distinct phases. Phase I is defined as the section south of Hunter Hill Road. Phase II is the section north of Hunter Hill Road. Maywood Way and the lower half of Old Larkspur Way are in Phase II. Prior to Phase I's completion, the Phase II section sat as undeveloped forested land. Maywood Road and the stub out was not even built until sometime around January of 2005. Nearly every house in Phase I was occupied by this time (approximately 40 families).

I believe that, in this case, the "phased" approach to building Larkspur prevented the developer from posting the road extension sign. This contributed to keeping prospective homebuyers "in the dark" about this proposed extension. There was no sign or stub out to see. Phase I buyers could only see a forest to the north.

**2. Town Staff omitted the road extension sign as a stipulation in the resolution approving the subdivision.**

A memo was written on June 27, 2005 from the Town Manager and Town Attorney to Mayor and Town Council on the subject of Posting of Signs re: Road Extensions. This was written in response to a council member's question from the May 16, 2005 meeting. "A stipulation for signage at the sub-out was discussed during the Council Public Hearing on the Larkspur proposal and was *inadvertently omitted* from the resolution approving the subdivision." "In the case of the Larkspur, development staff neglected to follow the established policy and the stipulation was omitted from the adopted resolution. Staff's attempt to correct this error, during the final plan review, was unsuccessful."

**3. A sign indicating the potential roadway connection was not installed until July 2005.**

A condition of the Zoning Compliance Permit for Larkspur (Nov, 11, 2002) required installation of a notification sign at the stub-out prior to the issuance of any Certificate of Occupancy of the homes. According to the same, June 27, 2005 memo referenced above, "We (Town Staff) believe that the stipulation in the Zoning Compliance Permit requires the installation of signage at the stub-out, but that it was never installed."

Immediately after this memo was issued, a sign was posted which reads, "ROAD SUBJECT TO FUTURE EXTENSION." By this time, 47 homes were sold and 88 children had moved into Larkspur.

We understand that we can file a complaint with the North Carolina Realtors Commission against the realty company (The Home Team) who represented the seller in Larkspur. However, the only recourse this body has would be to revoke the agent's real estate license. This will not get us back to the safe neighborhood that we all thought we bought into. You, Mayor and Council, are the only group who can set this right.

Thank you for your attention.

Sincerely,

Rachael Emerson  
406 Old Larkspur Way  
Chapel Hill, NC 27516