

II. Culbreth Ridge Homeowners Association Petition to Revise Preliminary Platt

Request:

The Culbreth Ridge Homeowners Association (CHRA) respectfully requests the Chapel Hill Town Council for an expedited processing of our request to revise the preliminary platt ammending the impervious surface restriction due to imminent public safety issues (e.g. children as well as adults using a public path for pedestrian and bicycle/scooter traffic falling and getting potentially seriously hurt).

We also respectfully request waiver of the customary fee (\$5000.00) associated with this request for the following reasons:

- We are a very small community (36 lots) with limited means.
- Questions regarding ownership of the pathway (town or CHRA) and thus liability in case of serious injuries.
- Improper development by Richard Gaylord who did not ensure proper water drainage over the path, resulting in severe erosion of the pathway surface.

Background:

Culbreth Ridge subdivision is located on a Jordan Lake watershed protection area, restricting the total surface area of impervious surface in the neighborhood. Presently, there are only an additional 17 square feet of impervious surface approved for the Culbreth Ridge subdivision. A lingering question is whether this path is included in the approved impervious surface area. If so, that would obviate the need for this petition.

CHRA is responsible for maintenance of a chapel hill gravel walking path connecting the Culbreth Ridge subdivision to the Grey Culbreth Middle School (CGMS). Due to improper water drainage, the surface of the path has eroded, creating deep crevices both within the Culbreth Ridge development and on CGMS property. This has created a highly unsafe and dangerous situation, exposing the users of this path to serious injury.

There is extensive pedestrian and bicycle traffic (some at high rates of speed) from school children traveling to and from school (75-90 children each way). There is also extensive pedestrian (including infant strollers) and bicycle traffic from residents of neighboring Kent Woodlands, Cobble Ridge and Southern Village subdivisions (>1100 single family homes plus 600 additional townhomes, condos, etc. in Southern Village) to access the

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school recreation facilities (track, athletic fields, basketball courts and fitness course; please see Map-Attachment I).

In the development plan, the path was approved for Chapel Hill gravel surface, but due to water drainage problems in the development of the subdivision, the path surface has suffered extensive erosion, creating the potential for serious injury to users of the path [REDACTED]. Many children and adults have fallen on the path and it is just a matter of time before someone is seriously hurt.

The pathway has already been resurfaced with chapel hill gravel TWICE and each time has quickly eroded due to high volumes of water drainage after rainfall. Clearly, this is not the solution.

CHRA Plan for Remediation:

We feel the best and most cost effective solution to the problem is to surface the pathway with an impervious brick surface with proper grading and drainage. We have coordinated with Bill Kelly, supervisor of Chapel Hill school maintenance (phone 967-8211 ext 211) to access a sewer drain on GCMS grounds and realizing the gravity of the problem, Mr. Kelly has agreed to coordinate efforts to fix the path on both the CHRA and school properties. In doing so, we will control drainage and erosion, creating a safe and attractive pathway for the community.

With resident volunteers in our neighborhood, the cost of this repair is projected to be \$3200.00-3700.00 (see Plan-Attachment II). This alone fully drains our association funds. It is for this reason that we respectfully request a waiver of the \$5000.00 application fee. We do not wish to make the process more expensive than the repair.

Due to extensive public use of the path, as well as large project expense and engineering rigor that must be applied for correct resolution of the problem, we feel that it is also reasonable to request additional help from the Chapel Hill, either in the form of financial and/or engineering support.

Obstacles to Remediation:

We wish to use brick pavers as an impervious surface to create a safe, lasting and attractive solution to repair a badly eroded public path leading to GCMS. However, due to impervious surface restrictions, the CHRA is unable to fix the path as we wish without plat revision. Presently, we are largely restricted from any repair within our means as an association.

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Additionally, there is a liability question. After many discussions with Planning Department staff, it is unclear on plats and approved documents as to whom ownership of this pathway belongs. The pathway is listed as public, but CHRA is stated to be responsible for maintenance as the developer, Richard Gaylord, designated in plans for the subdivision. We want to determine unequivocal ownership of the pathway before repair commences and determine if the town can hold the developer Richard Gaylord liable for repair, as this is clearly a problem that predates creation of the CHRA..

Summary:

CHRA feels that our neighborhood is caught in the middle. We feel abandoned by the developer who left us responsible for a pathway designated for school children and public use with severe water drainage and erosion problems. As a liability issue, it is unclear if the path belongs to CHRA or the town of Chapel Hill.

Compounding this, we are unable to fix the path as we would like due to impervious surface restrictions. Thus, not only are we left with the burden of draining our resources on the remediation of the situation, but also with the specter of a petition fee that would exceed the cost of the repair itself.

As an association, we want to fix the problem but we require assistance. We do not want this to reach the point where the path would have to be closed and potentially prompting children to seek less safe and convenient alternate routes (e.g. walk busy Culbreth Rd with no sidewalk to get to school or parental drop off which would greatly increase traffic in the area).

Finally, because this a public school path, maintained by a private homeowners association, we feel our request for support from the town of Chapel Hill is reasonable, reflecting unique circumstances that would not set any precedents.

It is for these reasons that we respectfully request:

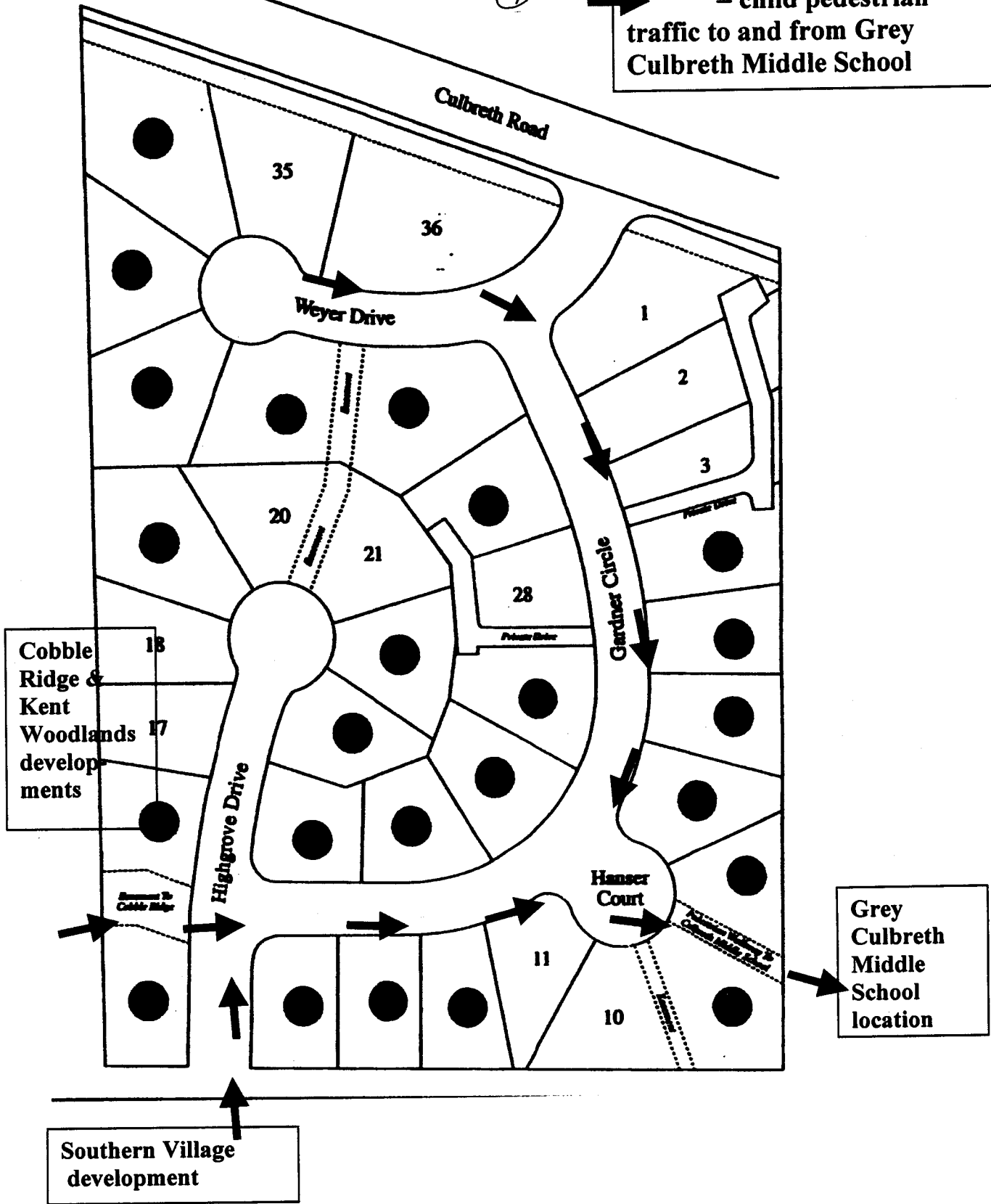
- Expedited review of this petition due to imminent safety issues for users of the path.
- Waive of the petition fee.
- Support (either financial and/or engineering) for appropriate problem resolution.
- Determination if the town can hold Richard Gaylord accountable for repair as a pre-existing problem.

We thank you for your time and efforts in considering this proposal.

Attachment I – Map of Culbreth Ridge Development

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→ = child pedestrian traffic to and from Grey Culbreth Middle School

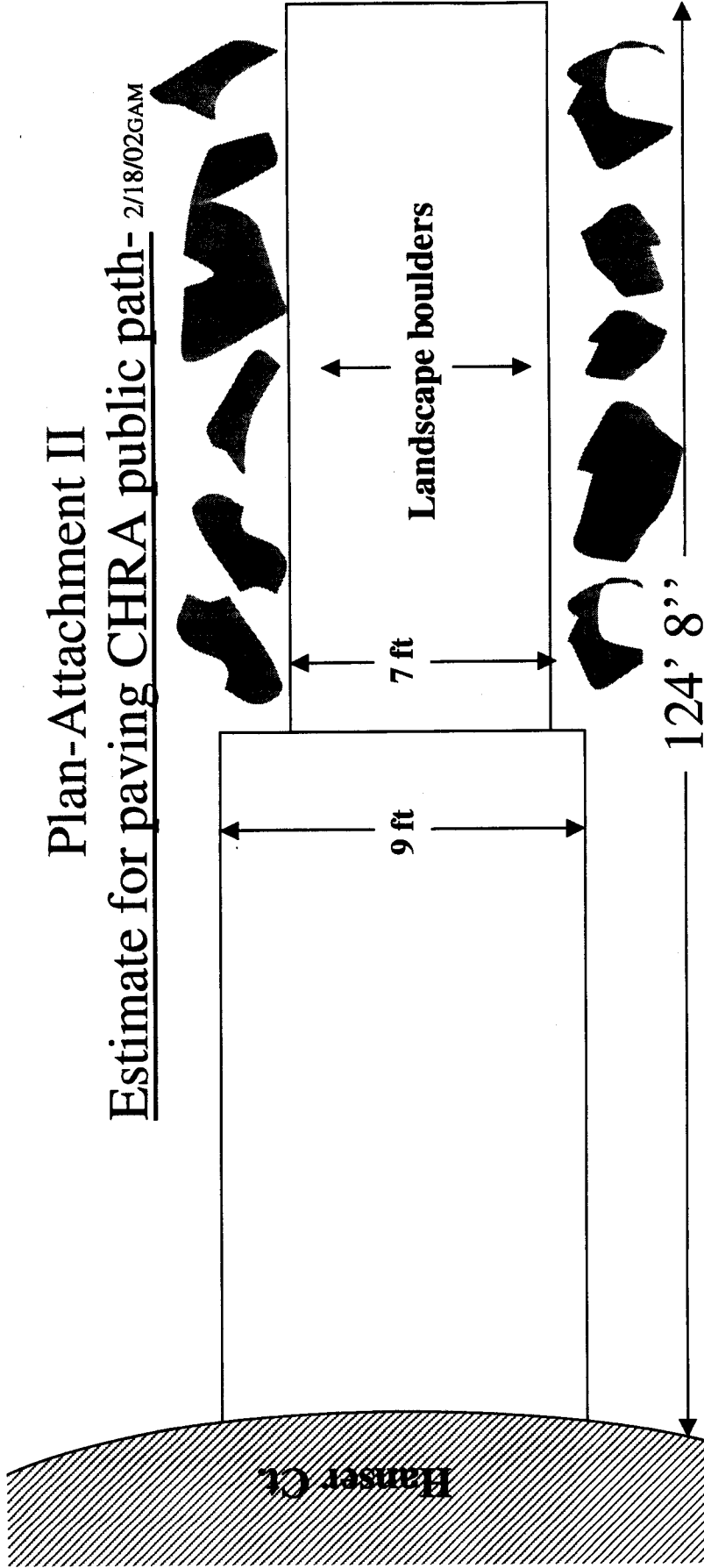


Plan-Attachment II

Estimate for paving CHRA public path- 2/18/02GAM

Culbreth Middle School

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Standard brick pavers	\$0.35 @ (4.5 bricks/sq. ft.)	4536 bricks	\$1588.00
-or- Cobblestone brick	\$0.45 @	4536 bricks	\$2042.00
31 Snap edge borders	\$8.50 @ (8 ft. @ 250 linear ft.)		\$263.00
200 Nails	\$0.32 @ (6/snap edge)		\$64.00
Paver base+ delivery			\$250.00
Brick saw rental,			\$125.00
Vibratory tamper rental			\$125.00
6 French drains + piping	\$20.00 @ + 18.00/100ft		\$165.00
Cobblestone brick			(Cobblestone cost) \$3034.00+tax
Standard paver			(Standard paver cost) \$2580.00+tax
<u>Unestimated costs</u>			

Trenching area for drains and grading (approx \$500.00).

Lighting of path area (Duke Power will provide an estimate)

Total estimated costs: \$3200.00-3700.00