



ORDINANCE

Amending the Official Zoning Map for the Town of Hillsborough Waterstone South, a Planned Development

WHEREAS, an application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone 99.14 acres of property described hereto and identified as Parcel Identification Numbers 9873-42-2375; 9873-42-5271; 9873-42-5076; 9873-41-5972; 9873-41-6716; 9873-51-0737; 9873-50-2573; 9873-50-4152; 9872-49-0872; and a portion of 9873-41-0172 to *Planned Development (PD)*;

WHEREAS, the application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate;

WHEREAS, the applicant and the Board of Commissioners have negotiated and mutually agreed to a list of conditions to be placed on the zoning district as allowed under NC GS § 160D-703 (b); and

WHEREAS, the town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's comprehensive plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.

Now, therefore, the Board of Commissioners for the Town of Hillsborough ordains:

- Section 1.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the 99.14 acres of property shown and described hereto in Exhibits A and B to *Planned Development (PD)*.
- Section 2.** As part of this rezoning, the aforementioned property is subject to the conditions attached hereto as Exhibit C, to which both the applicant and the Board of Commissioners have mutually agreed.
- Section 3.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 4.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 9th day of September in the year 2024.

Ayes:

Noes:

Absent or excused:

Sarah E. Kimrey, Town Clerk

**EXHIBIT A
LEGAL DESCRIPTION**

**PARCEL DESCRIPTION - NORTH ANNEX
14.283 ACRES**

Situated in the State of North Carolina, County of Orange, Hillsborough Township and being all of that 4.451 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6653, Page 1382, all of that 3.980 acre tract conveyed to Capkov Ventures Inc. in Deed Book 6728, Page 908, all of that 4.013 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 908, all of that 0.920 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6728, Page 231, and all of that 0.919 acre tract conveyed to Capkov Ventures, Inc. in Deed Book 6822, Page 565 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found at the southeastern corner of a 2.134 acre tract conveyed to Capkov Ventures Inc. of record in Deed Book 6718, Page 1700, being on the westerly line of a 15.8 acre tract conveyed to Crabtree Glenn, LLC of record in Deed Book 6009, Page 565, being the northeastern corner of said 4.451 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 832390.8190, Easting 1975249.9620;

Thence **S 01° 05' 37" E**, with the easterly line of said 4.451 acre tract, said 3.980 acre tract, said 4.013 acre tract and said 0.919 acre tract, and the westerly line of said 15.8 acre tract a distance of **635.30 feet** to an iron pipe found along the westerly line of said 15.8 acre tract, the northern right-of-way of Phoebe Drive and being the southeastern corner of said 0.919 acre tract;

Thence **S 85° 58' 04" W**, along the northern right-of-way of said Phoebe Drive a distance of **217.33 feet** to an iron pipe found at the southeastern corner of a 0.918 acre tract conveyed to Roger Stephens of record in Deed Book 4444, Page 274;

Thence along the common lines of said 0.919 acre tract, said 0.918 acre tract, said 4.013 acre tract and said 0.920 acre tract the following three (3) courses:

N 01° 09' 34" W, a distance of **186.96 feet** to an iron pipe found;

S 87° 21' 19" W, a distance of **210.98 feet** to an iron pipe found;

S 01° 09' 57" E, a distance of **192.08 feet** to an iron pipe found along the northern right-of-way of said Phoebe Drive and being the southwestern corner of said 0.918 acre tract;

Thence **S 85° 58' 04" W**, along said Phoebe Drive right-of-way a distance of **205.70 feet** to an iron pipe set at the southeastern corner of that 3.206 acre tract conveyed to Worth and Deanna Overman of record in Deed Book 664, Page 551;

Thence along the common lines of said 3.206 acre tract, said 0.920 acre tract and said 4.013 acre tract the following two (2) courses:

N 01° 14' 22" W, a distance of **197.87 feet** to an iron pipe found;

S 87° 19' 37" W, a distance of **598.88 feet** to an iron pipe found at the northeastern corner of said 3.206 acre tract, being on the easterly line of a 57.7 acre tract conveyed to the University of North Carolina Hospitals at Chapel Hill #319 in Deed Book 4832, Page 301 and being the southwestern corner of said 4.013 acre tract;

Thence **N 07° 36' 56" W**, along the common line of said 57.7 acre tract, said 4.013 acre tract, said 3.980 acre tract, and said 4.451 acre tract a distance of **410.56 feet** to an iron pipe set at the southwestern corner of said 2.134 acre tract and being the northwestern corner of said 4.451 acre tract;

Thence **N 85° 23' 33" E**, with the common line of said 2.134 acre tract and said 4.451 acre tract a distance of **1281.55 feet** to the **Point of Beginning**, and containing **14.283 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey by Advanced Civil Design, Inc. completed in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

PARCEL DESCRIPTION - SOUTHERN ANNEX
82.733 ACRES

Situated in the State of North Carolina, County of Orange, Hillsborough and Chapel Hill Townships and being all of that 13.697 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6820, Page 513, all of that 52.803 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6812, Page 98, a portion of that 16.409 acre tract conveyed to Capkov Ventures, Inc. of record in Deed Book 6540, Page 1 and a portion of that 48.313 (orig.) tract conveyed to Woodsedge Properties, LLC in Deed Book 1852, Page 224 in the Office of the Register of Deeds of Orange County, North Carolina, and being more particularly bounded and described as follows;

Beginning, at an iron pipe found in the westerly right-of-way of NC Highway 86, the southeasterly corner of said 13.697 acre tract, the northeasterly corner of said 52.803 acre tract and having State Plane Ground Coordinates (NAD 83 – 2011 Adjustment): Northing 829806.807, Easting 1976136.323;

Thence **S 09° 40' 00" E**, with the easterly line of said 52.803 acre tract and said right-of-way a distance of **118.52 feet** to an iron pipe set at the northeastern corner of a 5.108 acre tract conveyed to Advisory Board of the NC District Church of Nazarene of record in Deed Book 600, Page 329;

Thence with the common line of said 5.108 acre tract and said 52.803 acre tract the following two (2) courses:

S 88° 49' 38" W, a distance of **679.62 feet** to an iron pipe set;

S 09° 42' 51" E, a distance of **280.89 feet** to an iron pipe found at the southwestern corner of said 5.108 acre tract and being the northwestern corner of a 5.381 acre tract conveyed to Santos Guadalupe Mejia Reyes and Alicia Suyapa Mejia Vasquez of record in Deed Book 6637, Page 1403;

Thence **S 09° 35' 31" E**, with the common line of said 5.381 acre tract and said 52.803 acre tract a distance of **337.73 feet** to an iron pipe found at the northern right-of-way of Scarlette Mountain Road (private);

Thence **S 09° 35' 31" E**, across said right-of-way a distance of **29.05 feet** to a point on the center line of said Scarlette Mountain Road and being the southeasterly corner of said 52.803 acre tract;

Thence with the centerline of said Scarlette Mountain Road the following four (4) courses:

N 80° 27' 53" W, a distance of **449.66 feet** to a point;

N 87° 17' 53" W, a distance of **222.63 feet** to a point;

N 89° 46' 53" W, a distance of **199.58 feet** to a point;

N 73° 28' 04" W, a distance of **121.53 feet** to a point in the easterly line of a 7.87 acre tract conveyed to Karen Jordan of record in Deed Book 359, Page 169;

Thence with the common line of said 52.803 acre tract and said 7.87 acre tract the following two courses;

N 00° 28' 17" E, a distance of **36.71 feet** to an iron pipe found;

S 89° 39' 52" W, a distance of **942.40 feet** to a point on the easterly right of way of Interstate 40;

Thence with the westerly line of said 52.803 acre tract, the easterly right-of-way of said Interstate 40, the following six courses;

N 10°05' 55" W, a distance of **185.45 feet** to a concrete monument found;

N 13°40' 27" W, a distance of **305.71 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of N 16° 38' 15" W, **594.24 feet**, a radius of **3952.94 feet**, a central angle of **08° 37' 17"**, and an arc length of **594.80 feet** to a rebar found;

N 70°03' 27" E, a distance of **15.10 feet** to a concrete monument found;

N 12°43' 48" W, a distance of **154.12 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of N 24° 03' 34" W, **130.79 feet**, a radius of **3994.72 feet**, a central angle of **01° 52' 34"**, and an arc length of **130.80 feet** to a point in the centerline of a stream, the southwesterly corner of that 0.218 acre tract conveyed to North Carolina Department of Transportation of record in Deed Book 6814, Page 224;

Thence with the centerline of the stream, the common line of said 0.218 acre tract and said 52.803 acre tract the following seven (7) courses;

N 51°53' 36" E, a distance of **19.81 feet** to a point;

N 65°44' 56" E, a distance of **14.85 feet** to a point;

N 87°59' 35" E, a distance of **10.37 feet** to a point;

S 21°18' 06" E, a distance of **13.55 feet** to a point;

S 10°49' 00" E, a distance of **14.94 feet** to a point;

S 60°12' 19" E, a distance of **16.24 feet** to a point;

N 83°11' 17" E, a distance of **5.02 feet** to a point at the southeasterly corner of said 0.218 acre tract, southwesterly corner of said 48.313 (orig.) acre tract;

Thence with the common line of said 48.313 (orig.) acre tract and said 0.218 acre tract the following three courses;

N 09°42' 11" W, a distance of **6.91 feet** to a point;

N 24°51' 58" W, a distance of **53.01 feet** to a point;

N 37°12' 08" W, a distance of **329.50 feet** to a concrete monument found on the easterly right-of-way of said Interstate 40;

Thence with the westerly line of said 48.313 (orig.) acre tract, the easterly right-of-way of said Interstate 40 the following two (2) courses;

N 36°05' 34" W, a distance of **104.78 feet** to a concrete monument found;

With a curve to the left, having a chord bearing and distance of **N 36° 44' 37" W, 747.03 feet**, a radius of **3984.72 feet**, a central angle of **10° 45' 26"**, and an arc length of **748.12 feet** to a point at the northwesterly corner of said 48.313 (orig.) acre tract the southwesterly corner of that 57.7 acre tract conveyed to University of North Carolina Hospitals at Chapel Hill #319 of record in Deed Book 4832, Page 301;

Thence **S 89° 58' 08" E**, with the common line of said 48.313 (orig.) acre tract and said 57.7 acre tract a distance of **106.08 feet** to a point;

Thence **S 35° 32' 16" E**, across said 48.313 (orig.) acre tract, a distance of **1211.14 feet** to a point in the centerline of the creek, the southerly line of said 48.313 (orig.) acre tract, the northerly line of said 52.803 acre tract;

Thence with the centerline of said creek, the common line of said 48.313 (orig.) acre tract and said 52.803 acre tract the following twenty-two courses;

S 79°54' 09" E, a distance of **15.47 feet** to a point;

S 87°24' 39" E, a distance of **27.59 feet** to a point;

N 78°38' 06" E, a distance of **22.76 feet** to a point;

N 84°18' 24" E, a distance of **19.35 feet** to a point;

S 72°25' 59" E, a distance of **70.41 feet** to a point;

N 69°27' 22" E, a distance of **13.58 feet** to a point;

N 55°59' 25" E, a distance of **16.05 feet** to a point;

S 64°00' 12" E, a distance of **11.36 feet** to a point;

S 80°43' 27" E, a distance of **28.61 feet** to a point;

N 58°34' 08" E, a distance of **7.81 feet** to a point;

N 82°04' 36" E, a distance of **27.81 feet** to a point;

N 69°02' 05" E, a distance of **31.39 feet** to a point;

S 70°48' 35" E, a distance of **57.04 feet** to a point;

S 49°54' 40" E, a distance of **45.06 feet** to a point;

S 89°28' 32" E, a distance of **41.22 feet** to a point;

S 48°46' 48" E, a distance of **36.86 feet** to a point;

N 77°03' 15" E, a distance of **44.59 feet** to a point;

N 69°17' 26" E, a distance of **42.52 feet** to a point;

N 48°34' 08" E, a distance of **31.88 feet** to a point;

S 63°48' 18" E, a distance of **73.07 feet** to a point;

N 90°00' 00" E, a distance of **302.17 feet** to a point;

N 61°54' 05" E, a distance of **184.24 feet** to a point;

S 71°37' 17" E, a distance of **86.76 feet** to a point on the westerly line of said 16.409 acre tract, the southeasterly corner of said 48.313 (orig.) acre tract;

Thence N 00° 16' 18" E, with the common line of said 48.313 (orig.) acre tract and said 16.409 acre tract a distance of **174.79 feet** to an iron pipe set;

Thence across said 16.409 acre tract the following two courses;

S 89°23' 25" E, a distance of **626.12 feet** to an iron pipe set;

N 01°11' 36" E, a distance of **138.91 feet** to an iron pipe set at the southeasterly corner of that 3.77 acre tract conveyed to Roger Stephens of record in Deed Book 1638, Page 6, the southwesterly corner of that 8.35 acre tract conveyed to Lillie Mangum of record in Deed Book 232, Page 1392;

Thence S 89° 23' 25" E, with the common line of said 16.409 acre tract and said 8.35 acre tract a distance of **719.04 feet** to an iron pipe set on the westerly right-of-way of said State Route 86;

Thence with the westerly right-of-way of said State Route 86, the following two (2) courses:

S 08° 55' 32" E, with a distance of **506.04 feet** to a rebar found at the southeasterly corner of said 16.409 acre tract, the northeasterly corner of said 13.697 acre tract;

S 10° 28' 14" E, with a distance of **518.50 feet** to the **Point of Beginning**, and containing **82.733 acres** of land, more or less, as calculated by the above courses. Subject, to all legal restrictions, easements and/or right-of-way.

The above description was prepared by James D. Whitacre, P.L.S. L-5273 on July 2, 2024. This description is based on existing records from the Orange County Register of Deeds and an actual field survey completed by Advanced Civil Design, Inc. in September, 2023.

The **Basis of Bearings** used in this description is based upon monuments established by the National Geodetic Survey (NAD 83, 2011 Adjustment) and was determined using GPS equipment and procedures.

All references used in this description can be found at the Register of Deeds, Orange County, North Carolina.

ADVANCED CIVIL DESIGN, INC.

EXHIBIT C

CONDITIONS OF APPROVAL FOR WATERSTONE SOUTH, A PLANNED DEVELOPMENT

I. **Generally**

- a. Site plans and construction drawings for the development shall comply with these conditions of approval, as well as any applicable development regulations for the Town of Hillsborough that are in effect when the plans and/or drawings are submitted. When there is a conflict between a condition of approval and the development regulations of the town, the condition of approval shall govern.
- b. The size of the townhome blocks, denoted as Blocks A, B, C, and D on the master plan, and the number of units within them may be adjusted administratively with the Planning Manager's approval only if the overall acreage and density of the combined townhome blocks are not changed.
- c. Once construction on the project begins, the developer shall conduct a weekly inspection, as needed, of the erosion control and stream protection measures throughout the development of each phase to ensure that all the devices are working effectively. The developer will notify Town Planning staff and neighbors within 500' of the development site(s) of the planned inspection schedule.

II. **Affordable Housing**

- a. Fifteen percent (15%) of the total market rate homes in the development, including the townhomes and multi-family apartment units, shall be affordable to those earning an average of 80% or less of the median income. Median income shall be determined using data from the US Department of Housing and Urban Development for the geographic statistical area in which Hillsborough is located.
- b. A deed restriction reserving the affordable apartment units for a period of ninety-nine (99) years and requiring annual certification with the town of the number of affordable units shall be recorded before a Zoning Compliance Permit will be issued for the first residential unit. The deed restriction shall require the developer, its successors and/or assigns to certify to the town in writing during the month of July of each year that they comply with the affordability condition as of the date of the certification.
- c. For the affordable townhome units, the developer shall prepare and submit an affordable housing plan for the review and approval of the Planning Manager. The approved affordable housing plan shall be recorded in conjunction with the plat(s) for the townhome lots and these conditions of approval. The plan shall include the following information at a minimum:
 - i. General information about the nature and scope of the development.

- ii. The total number of market rate units and affordable dwelling units in the development.
 - iii. The number of bedrooms and bathrooms in each affordable dwelling unit.
 - iv. The approximate square footage of each affordable dwelling unit.
 - v. The approximate location of each affordable dwelling unit.
- d. The affordable units shall be integrated with the market-rate units, and the exterior finishes shall make the affordable units indistinguishable from those that are market-rate.
- e. Affordable units will be developed in accordance with the following minimum size schedule:

Minimum Net Livable Square Footage	
Number of Bedrooms in Unit	Minimum Square Footage
Efficiency/studio apartment	500
1 Bedroom	700
2 Bedroom	850
3 Bedroom	1,100
4 Bedrooms or more	1,200 plus 250 sq. ft. per additional bedroom above 4

- f. Floor plans for buildings containing affordable units must be submitted for review with zoning compliance permit applications.

III. Conservation Easement

- a. Approximately 12.8 acres along the southern project boundary shall be held in a conservation easement. The easement, shown on sheet MP1.1 of the approved Waterstone South Master Plan set, was mandated by the Orange County Board of Adjustment as part of the modified Special Use Permits for The Woods and Woodsedge on May 8, 2024. The applicant shall record the conservation easement in a form satisfactory to the Town of Hillsborough with the Orange County Register of Deeds within 120 days of annexation by the Town of Hillsborough. The Town of Hillsborough shall hold the conservation easement in perpetuity.

IV. Landscaping

- a. Invasive species are strictly prohibited from landscape designs for the development. All landscape plantings in the development shall be non-invasive, and the developer shall make every effort to use native species when commercially available.

V. Multi-modal Transportation

- a. The locations of the internal streets shown on the master plan are conceptual. Exact street locations will be established during site plan/construction drawing review.

The developer shall record a public access easement and private maintenance agreement in each phase for all trails labeled "Walking & Bicycle Trail" on the approved Master Plan before the recordation of the final plat for the residential lots for that phase.

- b.** The developer shall pave all trails labeled "Walking & Bicycle Trail" on the approved Master Plan unless a proposed trail is in an environmentally sensitive area (e.g., floodplains; wetlands; slopes exceeding 25%; highly erodible soils), in which case crushed stone or soft surfaces (e.g., natural earth; wood chips) may be used. All trails within the 12.8-acre conservation easement described in Section III above may be made of natural surfaces. The layout of trails shown on the Master Plan is conceptual. Exact trail locations and surfaces will be established during site plan/construction drawing review.
- c.** All trails shall be maintained in perpetuity by the developer, any successors and assigns of the developer, or other acquiring parties. The Town shall not be responsible for trail maintenance.
- d.** The developer shall install a sidewalk network interior to the site that connects with a sidewalk system on the west side of NC 86 S as shown on the Master Plan.
- e.** The developer shall install a painted crosswalk with high-visibility striping and a flashing beacon at E. Scarlett Mountain Road and Storey Lane at the NC 86 S intersections if allowed and approved by the North Carolina Department of Transportation.
- f.** The developer shall install a sidewalk on the east side of NC 86 S connecting to said crosswalk as shown on the Master Plan if allowed and approved by both the North Carolina Department of Transportation and the Orange County School Board.
- g.** The developer shall design all streets designated as public on the Master Plan to NCDOT Subdivision Design Standards and Town of Hillsborough cross-sections as required by the town's Unified Development Ordinance. This design shall include, but shall not be limited to, the following: radii, vertical curves, storm drainage design, and gutter spread. The design speed will be consistent with current Town of Hillsborough ordinances. Curb and gutter will be required on all streets proposed for town acceptance but will not be required at the taper and turn-lanes at the intersection of NC 86 S and the development's entrance.
- h.** The developer shall install all off-site improvements recommended by their Traffic Impact Analysis prepared September 19, 2023, and concurred with by NCDOT in its letter dated December 7, 2023.
- i.** The developer shall update the Traffic Impact Analysis prior to the issuance of any Zoning Compliance Permits for Phase 2 to ensure acceptable operation at the various study intersections. If an updated Traffic Impact Analysis projects a Level of Service (LOS) of D or

lower at the intersection of Waterstone Parkway and NC 86 S, then the developer shall install a traffic signal at the intersection before the approval of the final Certificate of Occupancy in Phase 2. If signalization has already been installed at Waterstone Parkway and NC 86 S by another developer, the developer of Waterstone South shall not be responsible for signalization at said intersection.

VI. Phasing

- a.** The Town of Hillsborough will not issue zoning compliance permits for the last 10 (ten) dwelling units in a phase until the developer
 - i.** completes, certifies, and submits for town acceptance of all public infrastructure (*e.g.*, sidewalks, streets, trails, greenways, utilities) in said phase, and
 - ii.** installs or provides adequate performance security for the installation of all landscaping, street trees, and stormwater conveyances in said phase.
- b.** The development shall be constructed in three phases, with each phase of construction to last no more than three years per phase for a total of nine years of construction:
 - i.** Phase 1: 205 townhomes and 10,000 square feet of neighborhood commercial.
 - ii.** Phase 2: 225 apartment units and 10,000 square feet of neighborhood commercial.
 - iii.** Phase 3: 225 apartment units and 20,000 square feet of neighborhood commercial.
- c.** The developer shall coordinate with staff to create a mutually agreeable schedule for infrastructure improvements, and the developer shall install or provide adequate performance security for said improvements. However, the developer cannot post a performance security for the new sewer pumping station described in Section VII (a) below. The developer must construct this pumping station during Phase 1.
- d.** The medical and general office portion of the development (Blocks H and I as shown on sheet MP1.1 of the approved Waterstone South Master Plan set) is not included in the phasing plan and shall be developed based on market demand as the adjacent UNC Health facility grows.

VII. Utilities

- a.** As indicated on the approved Master Plan, a new sewer pumping station, associated force main, and all appurtenances shall be constructed by the developer and dedicated to the Town of Hillsborough by the developer after successful completion. The existing gravity sewer to the Woodsedge Back and Nazarene Pumping Stations shall be redirected into this new pumping station located at a site near or in the development as agreed to with the

- iv.** Water meters for Block H will be released upon completion of the water and sewer infrastructure required to serve the units in Block H and the stub to Worth Street. This infrastructure is shown as magenta in the attached Exhibit C.1. Block H will connect to the Town's existing sewer that drains to Woods Edge Front Pump Station, and no other blocks of the proposed development will be allowed to connect to the Woods Edge Front Pump Station. The developer shall evaluate the capacity of the Woods Edge Front pump station and make all upgrades needed to serve the proposed development if upgrades are needed to meet the state's minimum design criteria for pump stations.
- v.** Water meters for Blocks A, B, C, D, E, F and G will be released upon completion of the waterlines shown in orange in Exhibit C.1 as well as the abandonment of the existing Nazarene and Woods Edge Back Pump stations into the new pump station shown in Exhibit C.1.
- vi.** The developer shall make the connections shown in the green circles in Exhibit C.1 to all waterlines in platted Town right-of-way and NC DOT right-of-way. The developer shall make connections to existing Town waterlines on private property at the locations shown with green circles if the Town provides documentation of deeded and platted public utility easements at the proposed connection locations. If the Town does not provide the required easement and plat information by construction drawing approval of the proposed connection, the Town will require only a platted and deeded stub to the edge of the subject development.
- e.** The developer shall enter into a Water and Sewer Extension Contract as typical with the town. This contract shall provide the finer details of the design, permitting, construction and acceptance details.
- f.** The developer shall contribute \$250,000 to the cost of upgrading the Elizabeth Brady Pump Station to handle the additional flow generated by the proposed project. This contribution shall be made before the approval of the first site plan for the project and will be used by the town to install upgraded instrumentation, monitoring equipment, and controls.
- g.** By agreeing to the developer's proffers and pledged water and sewer improvements, the town guarantees capacity for each phase of the project as it comes online in accordance with the phasing schedule in Section V (b).

