



COMMUNITY DEVELOPMENT

STAFF REPORT

Council Meeting Date:	September 9, 2025
Agenda Title:	Ville Nova Subdivision- Off-site Temporary Construction Easement
Requested Action:	Approval to establish an off-site temporary construction easement to allow connection to an existing sanitary sewer connection on Town owned property
Department / Agency Lead:	Community Development
Staff Lead:	Amber Heflin

EXECUTIVE SUMMARY

EXO Development, LLC, the applicant and property owner, has officially requested to establish an off-site temporary construction easement located on Town owned property, known as Academy Hill Park, to establish a new sanitary sewer connection to serve the proposed 17 lot by-right subdivision currently under review with Town staff.

On August 25, 2025, Bohler Engineering on behalf of the applicant and property owner, EXO Development, requested that the Town Council defer this request until they have obtained the required easement from the Villas at the Ridges Condominium.

BACKGROUND

The Site Development Plan for the proposed 17 lot subdivision was submitted on January 25, 2024. The project has had three subsequent reviews by staff to address various comments. Town staff is currently reviewing the fourth submission of the Site Development Plan. The final plat was submitted on November 13, 2024, and has undergone two reviews since its original submission. The off-site easement plat was submitted on September 6, 2024, and has undergone five reviews since its original submission.

The off-site easement is being requested to allow the construction of a sanitary sewer line through Academy Hill Park, through a temporary construction easement. The easement would allow a connection to the closest feasible point for sanitary sewer due to existing topography challenges on Academy Hill Road. The temporary construction easement across the park will allow the developer to construct a sanitary sewer line across the park property and allow the Town the right and ability to continue to maintain the line once construction has been completed. The approval of this easement does not grant the ability to create the final connection to the sanitary sewer manhole located on Amber Circle within the Villas at the Ridges condominium. A separate easement plat was prepared by Bohler Engineering last year in 2024, and discussions with the HOA have been ongoing to secure the easement to establish the required connection.

PUBLIC HEARING FEEDBACK

The Town Council held a work session on this item in July and did not have any questions or concerns at that time. The Town Council held a public hearing on this item in August and deferred the request until the

September meeting due to concerns brought forward regarding on-site wetlands and the HOA's approval of the separate easement required to obtain connection to the existing manhole located in their condominium.

The Villas HOA expressed concern the Town Council's approval of the easement would force their hand in the approval of the separate off-site easement required to make the final connection of the sanitary sewer line to an existing manhole in their condominium. Town staff assured the HOA during the meeting the easement is a separate private party issue in which the Town has limited involvement other than the Town staff reviewing for deed book reference accuracy and minor notation changes and the Town Attorney reviewing deed language and signing the deed approved as to form.

Staff held preliminary meetings to discuss the project and the required off-site easements in early 2021 with the homebuilder, DR Horton, and the former engineering firm. In 2022, staff met with Bohler Engineering to again discuss the process to obtain an easement from the Town on the Academy Hill Park property. At that time, staff presented the option to prepare two separate easement plats and deeds for the Town-owned park property and the Villas at the Ridges property, as is standard in Land Development to prevent issues with obtaining all required signatures and recordation with the Clerk's office. A water and sewer availability letter was prepared in 2022 by the Town Engineer confirming water and sewer availability subject to the approval of all required off-site easements needed to serve the development.

As part of the Site Development Plan Review, staff requested the engineer show the existing sanitary sewer easement recorded on the plats for the Villas at the Ridges Condominium. The Engineer was unable to locate an existing deed book and page reference for the utility easements after an ALTA survey and deed research. In addition, staff conducted independent research and have also been unable to locate the deed book reference. This necessitates the need for the separate off-site easement from the Villas at the Ridges HOA in order to complete the connection required to obtain sanitary sewer for the property.

A member of the adjacent Villas at the Ridges Condominium came forward and expressed concern regarding the development of the site due to existing wetlands. A wetland is an area of land where water covers the soil or is present either at or near the surface of the soil year-round or for periods of time during the year. Wetlands are protected due to the benefits they provide for people, fish, and wildlife including protecting and improving water quality, storing floodwaters, and maintaining surface water flow during dry periods.

There are existing wetlands on the site according to a preliminary jurisdictional determination from the Army Corp of Engineers dated February 3, 2022; However, they are outside the limits of disturbance for the project and are not to be disturbed. Prior to the final approval of the site development plan, a final jurisdiction determination from the Army Corp. of Engineers will be required to be submitted for the project.

Service Level/Collaborative Impact

Approval of the temporary construction easement will allow the applicant to construct a sanitary sewer line across the park property and will allow the Town to assume maintenance responsibilities once construction is completed due to the line being located on Town property. The proposed method of connection is the most cost-effective from a building and operational standpoint, as gravitational sewer flow is preferred for Town-owned and maintained lines rather than mechanically pumped sewer. The approval of the temporary construction easement and the construction of the sanitary sewer lines will be a benefit to the Town's future plans for restrooms at Academy Hill Park.

Fiscal Impact

There is no fiscal impact to the Town.

Legal Impact

The approval to establish the temporary construction easement has no direct legal impact to the Town.

ATTACHMENTS

1. Proposed Easement Plat
2. Sheet C-301- Site Development Plan for Ville Nova Subdivision
3. Ordinance 2025-11- Establishment of a Temporary Construction Easement
4. Sewer and Water Availability Letter
5. Preliminary Jurisdictional Determination- USACE
6. Proposed Off-site Easement Plat- Villas at the Ridges