



Date: September 26, 2008

To: Thomas J. Bonfield, City Manager
Through: Theodore L. Voorhees, Deputy City Manager
From: Kathryn R. Kalb, PE, Director of Public Works
Subject: **Ms. Janet Barrett and an Extension Interlocal Agreement with Raleigh**

Executive Summary

In 1999, both Raleigh and Durham adopted identically worded ordinances that establish geographical areas for future services and annexation. Services addressed in the agreement include sewer, road improvements, land use planning, and emergency services. In the vicinity of Carpenter Pond Road, Raleigh services are limited to the area Southeast of Carpenter Pond Road. Raleigh service beyond that boundary would require either: adoption of a new ordinance, amendment to the existing ordinance, or termination of the agreement by both parties.

Ms. Janet Barrett is requesting that the City of Raleigh be allowed to extend water and sewer service to property northwest of Carpenter Pond Road.

Recommendation

Staff recommends that water and sewer service from the City of Raleigh not be extended into the area of Durham County northwest of Carpenter Pond Road.

Background

Representatives from both Raleigh and Durham met in 1998 to develop a mechanism which would provide a more cost effective method to guide future annexations and utility service delivery. The discussions were based on the premise that utility expansions are significant public expenses. It was agreed that topography has a strong influence on the cost of utility expansion and that topography was not used in setting the political boundaries of Wake and Durham counties. The municipalities desired to base some of their respective utility service boundaries on topography rather than on strict conformance to the County boundary line. Raleigh representatives indicated that gravity sewer service could be provided on the southeastern side of Shady Grove and Carpenter Pond Road. Both jurisdictions adopted the annexation agreement in 1999 defining areas in Wake County to be

served by the City of Durham and areas in Durham County to be served by the City of Raleigh. Attachment I is the ordinance adopted by the City in 1999 and attachment II depicts the annexation service boundary lines described in the ordinance.

Issues/Analysis

Ms. Janet Barrett will address City Council at their Work Session on October 9, 2008. She is requesting that the City of Durham allow the City of Raleigh to extend water and sewer service to the property shown on Attachment III for a mixed use residential subdivision. According to the ordinance (Attachment I) for the Carpenter Pond Road area, Raleigh's services are limited to the area south east of Carpenter Pond Road and Shady Grove Road. (Section 7: "The City of Raleigh agrees not to extend urban services to the area west and north of the line described below and shown on the attached [*annexation agreement*] map."). Modification to this ordinance would require participation by both Raleigh and Durham. (Section 13: "This ordinance may not be modified or amended without a subsequent agreement entered into by both participating cities pursuant to GS 160A-58.24(d). All modifications and amendments to this agreement shall be approved by ordinance and adopted after public hearings by both municipalities.")

Attachments

Attachment I – Ordinance #11656

Attachment II – Raleigh/Durham Annexation & Service Agreement

Attachment III – Property Map