



**Date:** July 19, 2011

**To:** Thomas J. Bonfield, City Manager  
**Through:** Theodore L. Voorhees, Deputy City Manager  
**From:** Marvin G. Williams, Director of Public Works  
Edward R. Venable, Manager of Engineering and Stormwater  
**Subject:** Agenda Item – Public Hearing for Improvements

Sewer Main on Mimosa Drive from the North Property Line of PIN 0729-01-47-4170 South to the South Property Line of PIN 0729-01-46-4988;  
and

Curb, Gutter and Paving, Water and Sewer Laterals on Amber Place  
from Humphrey Street North to East Pettigrew Street.

### **Executive Summary**

The Public Works Department has received the attached letter from the Durham County Health Department concerning property on Mimosa Drive, located within the city limits. The letter states that 5020 Mimosa Drive is served by a failing septic tank system that poses a public health risk. City sewer is not currently available; therefore a sewer main extension will be required to serve this property. Funding for this project is subject to appropriations into the Sewer Extensions and Improvements account on an annual basis.

A sufficient petition has been received for curb, gutter and paving, water and sewer laterals on Amber Place, which is located inside the City. Funding for this project is subject to appropriations into the Dirt/Petition Street Paving account on an annual basis.

Pursuant to the Resolution Authorizing the City Manager or Designee to Set Public Hearings and to Declare the Adoption of Resolutions of Intent (Resolution 9709), the City Manager set the public hearings on the proposed improvements to be held at 7:00 PM, August 15, 2011, in the Council Chamber of City Hall.

### **Recommendation**

The Public Works Department recommends that City Council accept a Certificate of Sufficiency for the Amber Place petition, adopt a preliminary resolution for each proposed improvement, conduct a public hearing to consider ordering each subject improvement, and adopt resolutions ordering the improvements.

### **Background**

In accordance with Section 78 of the Charter of the City of Durham, City Council is authorized and empowered to adopt a resolution ordering improvements without a petition from the abutting property owners and to assess such properties for the improvements. This

authority is generally exercised when a sewer main extension is required to abate a possible health hazard, as in the case of the failing septic system on Mimosa Drive.

A petition has been received for curb, gutter and paving, water and sewer laterals on Amber Place. (This area is not well suited for the preferred ribbon paving method.) It has been determined that the petition has been signed by over fifty percent of the owners, who in turn own at least a majority of all the lineal feet of frontage of land abutting the street proposed to be improved. Therefore, the petition has been found to be sufficient for the improvement to be considered for ordering by City Council.

**Issues and Analysis**

Sections 77 and 78 of the Charter of the City of Durham dictate that a fixed time and place be set to hold a public hearing to determine whether the improvements shall be made. The public hearings for the subject improvements have been set for August 15, 2011.

**Alternatives**

There is not an alternative per the City Charter.

**Financial Impacts**

Holding a public hearing and ordering the subject improvements will have no immediate financial impacts, but these are necessary steps in the process of making and assessing abutting properties for the improvements.

**SBDE Summary**

N/A

ERV/lca