

DURHAM



CITY OF DURHAM | NORTH CAROLINA

1869
CITY OF MEDICINE

Date: April 26, 2013

To: Thomas J. Bonfield, City Manager

Through: Bo Ferguson, Deputy City Manager

From: Marvin Williams, Director of Public Works
Robert N. Joyner, Development Review Group Manager

Subject: Agenda Item – Utility Extension Agreement with Ersi Enterprises, LLC to serve 2722 East Geer Street Property

Executive Summary

Ersi Enterprises, LLC is requesting a service connection to the City's water system to serve 2722 East Geer Street, a single-family residence located outside the City limits. The property has a service connection to the City's sanitary sewer system and a verified water supply of unsatisfactory quality.

Recommendation

The Department of Public Works recommends that the City Council authorize the City Manager to enter into a water extension agreement with Ersi Enterprises, LLC.

Background

Ersi Enterprises, LLC proposes to connect to City water to serve 2722 East Geer Street, a 0.3-acre single-family lot with an existing residence, located at East Geer Street (see attached map). The property is located outside the City limits and has a verified water supply of unsatisfactory quality.

Water service to the house shall be provided by connecting to the existing 12-inch waterline in East Geer Street. The existing house already has a sewer service connection to the City's 8-inch sanitary sewer in East Geer Street.

Issues/Analysis

The existing well on the property has been verified by the Durham County's Environmental Health Division to be an unsanitary water supply (see exhibit). Due to the existence of a verified unsatisfactory water supply, the applicant is eligible for an exception to the annexation requirement based on Section 70-129 of the City of Durham Code of Ordinances:

City council may approve or disapprove water mains, sewer mains, water service connections, sewer service connections, or both, ("utility service") in its discretion to property outside the city limits petitioning for such service upon the conditions established by this section. Utility service shall be provided pursuant to utility extension agreements approved by city council, which shall be

brought to the city council on such schedule as is determined appropriate by the city manager. Utility extension agreements shall include those terms and conditions that the city council determines, in its discretion, to be in the interests of the city, and that address potential impacts of the proposed development on the city and/or its citizens. Such terms and conditions may address, in addition to the water and/or sewer service requested, other utilities, and associated regulations within the city, such as stormwater. The city water distribution system and sewage collection system shall not be extended beyond the limits of the city or without voluntary annexation into the city except:

- (6) To properties with verified water supplies-of unsatisfactory quality or a verified existing health hazard from an on-site sanitary sewer system approved by the city council pursuant to subsection a. of this section;*
 - a. Any extension of the water distribution system and sewage collection system to serve properties with verified water supplies of unsatisfactory quality or a verified, existing health hazard from an on-site sanitary sewer system shall be made only after approval of such extension by the city council. Any such extension shall be made in accordance with the following conditions:*
 - 1. The city shall bear no part of the construction cost of extensions beyond the city limits to serve a school or industry. No refund policy shall apply to such lines. The city may participate in the construction cost of any extension to serve properties with verified water supplies of unsatisfactory quantity or quality or a verified, existing health hazard from an on-site sanitary sewer system, provided such extension is made as a result of receiving a sufficiently signed petition under the provisions of Article 7, Section 77, paragraph (7) of the City Charter. The question of city participation shall be decided by the city council for each individual project, but in no case shall assessments be less than the standard rate for extensions outside the city;*
 - 2. Construction of authorized extensions to approved properties with verified water supplies of unsatisfactory quality or a verified, existing health hazard from an on-site sanitary sewer system, shall be in accordance with all applicable policies, standards and specifications of the city.*

There is an existing 12-inch waterline in East Geer Street that has sufficient capacity to serve the existing single-family residence.

Alternatives

City Council can choose not to approve the request.

Financial Impact

The Developer shall bear all the cost for the construction of the water service connection and there shall be no participation in the cost by the City.

SDBE Summary

The SDBE Summary is not applicable for this item.