

Patrick L. Byker | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560
919-590-0384
pbyker@morningstarlawgroup.com
www.morningstarlawgroup.com

May 10, 2013

VIA HAND DELIVERY

Mr. Steven L. Medlin, AICP
Durham City-County Planning Director
101 City Hall Plaza
Durham, NC 27701

RE: Request for modification of annexation agreement between Durham and
Morrisville

Dear Steve:

We represent KCR Developers LLC ("KCR"). KCR is the developer of Kitts Creek, a single family residential neighborhood in Morrisville, NC consisting of approximately 350 homes. On behalf of KCR, we request that the current annexation agreement between the City of Durham and the Town of Morrisville be modified by the Durham City Council to allow the entirety of PIN 0747-03-10-9647.DW (the "Property") to be annexed into Morrisville. A Durham GIS report reflecting the Property is attached as Exhibit A. The Property is bisected by the Durham/Wake County line, so that approximately half of the Property lies in each county, as shown on Exhibit A.

KCR wishes to develop the Durham County section of the Property as eight (8) single family homes, which would be part of the aforementioned Kitts Creek neighborhood. A conceptual plan showing the layout of these eight (8) lots within the Durham County section of the Property (the Property is outlined in red) is attached as Exhibit B. It appears that the Durham County section of the Property is completely unsuitable for non-residential development due to an existing stream and wetland areas, and has no development potential except for the eight (8) single family lots shown on Exhibit B.

Our understanding is that it would not be cost-effective for the City of Durham to provide municipal services to the Property. For example, the nearest sewer line within the City of

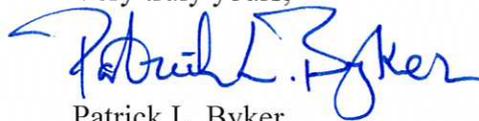
Durham that could provide sewer to the Property is located approximately one thousand feet (1,000') away, and that sewer line is uphill from the Property. Furthermore, connecting the Property to the existing Durham sewer line would necessitate construction across the aforementioned stream. In addition, it appears that Durham providing solid waste services to the Property would be inefficient due to the distance from the nearest existing houses within the Durham city limits. We understand that the Planning Department staff will evaluate these issues in detail.

Accordingly, we request that the Planning Department prepare an agenda item for the Durham City Council to hold a public hearing and decide whether it is reasonable and appropriate to modify the current annexation agreement to allow the Property to be annexed into Morrisville. Our understanding is that the Property must be annexed into Morrisville so that it can receive necessary municipal services, including water and sewer. It appears that Morrisville can provide all necessary municipal services to the Property in an efficient, cost-effective manner.

We very much appreciate your staff's work on this agenda item. If there are any notification costs associated with this request, KCR hereby agrees to pay such costs as we certainly do not wish to create any unnecessary burdens with this request. At your earliest convenience, please let us know if there are any notification costs that would be appropriate for KCR to cover. Also, if we can provide the Planning staff with any other information, please do not hesitate to contact us.

Thank you very much for your time and consideration of this matter.

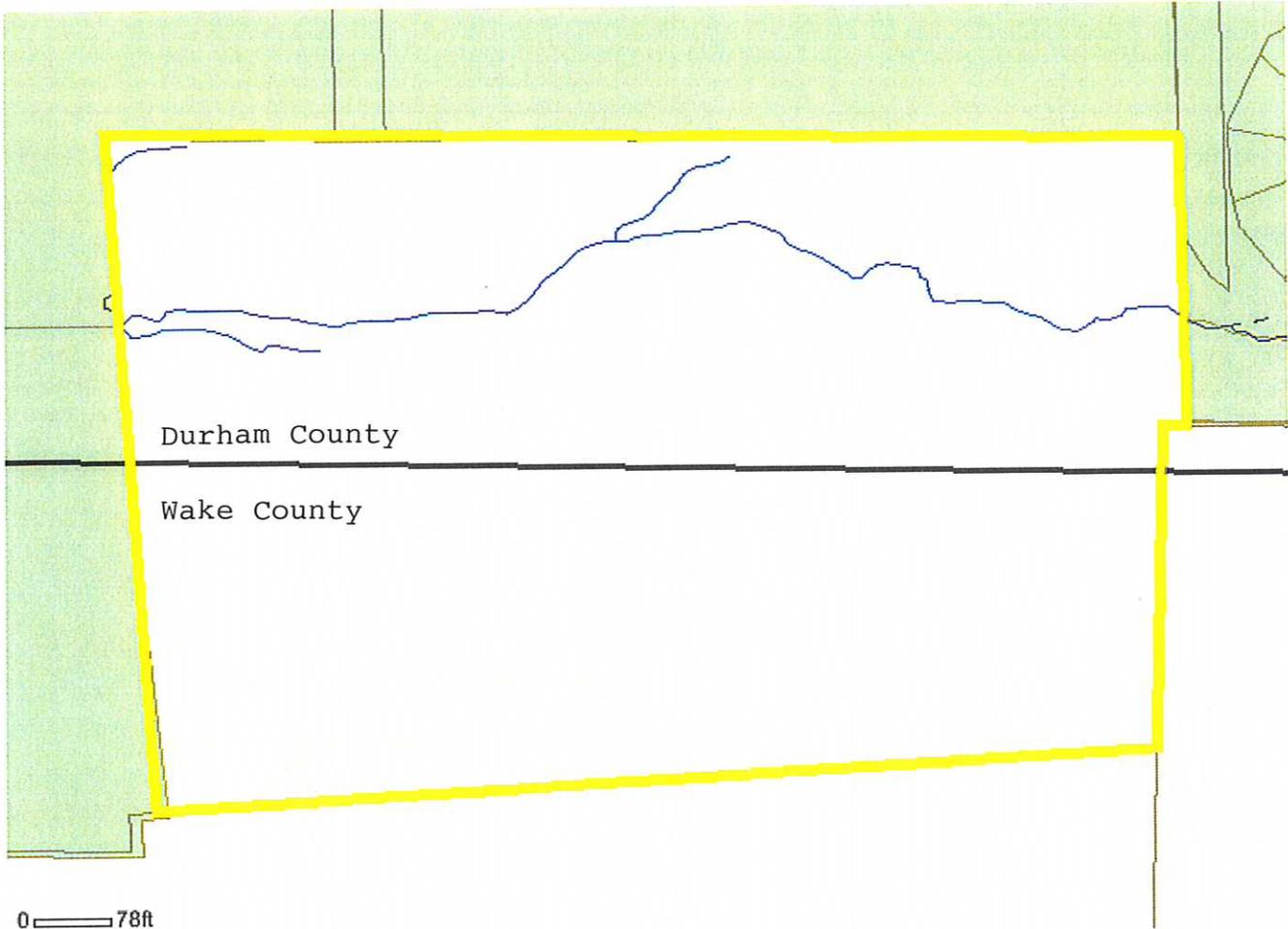
Very truly yours,



Patrick L. Byker

cc: Mr. Robin Rose, KCR Developers LLC

Attachments



Quick Information

PIN Number: 0747-03-10-9647.DW

Acreage: 15.26100000

Deed Book: 1991-E

Plat Book: 000151

Subdivision: N/A - NO
SUBDIVISION

Owner Name: OBRIANT R LEON

Parcel ID: 157853

Land Use: VACANT INDUSTRIAL

Deed Page: 000089

Plat Page: 000169

Site Address: 729 S DISTRIBUTION DR

Owner Address: 1615 EFLAND-CEDAR GROVE RD

EFLAND , NC, 27243

