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Public Works Department
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www.DurhamNC.gov

July 6, 2015

Mr. Trans Perry
321 E. Chapel Hill St.
Durham, NC 27701

RE: 610 Carroll St. Driveway Permit Denial

Mr. Perry:

As discussed last week on July 1, 2015 during our impromptu meeting outside of the City Manager's Office (CMO), this letter is meant to document our conversation and to serve as a formal response from the Department of Public Works (DPW) to the driveway conflict issue that was noted in the right of way inspection for 610 Carroll St. in Durham, NC.

As discussed during our meeting, the DPW will not be able to issue a sign off for a Certificate of Compliance for the above referenced address until the existing traffic calming device (speed hump) issue has been resolved. The location of this traffic calming device conflicts with the proposed driveway location. In order to install a driveway for this location one of the two following actions must take place since we will not allow a driveway to be built which directly conflicts with this traffic calming device and you have stated that you do not want to build a driveway which conflicts with such a device:

1. Relocate the proposed driveway to another location within your two building sites to avoid a conflict with this traffic calming device, or
2. Relocate the existing traffic calming device to another location within the street that is approved by the City's Department of Transportation at your cost.

As you and I discussed, the DPW does not agree to your cost share proposal for the relocation of this device (an equal cost share for relocation). As I attempted to explain to you during our discussion the City makes every effort to identify potential conflicts within the right-of-way (ROW) when reviewing plan submittals. However, it is the responsibility of the developer, project owner, engineer of record, etc… to identify potential obstructions and conflicts that may be problematic for their site during their project planning and construction drawing preparation process. The submission of plans, construction drawings, etc. to the City for review and approval does not absolve a developer, project owner, engineer or record, etc. from performing their due diligence in identifying potential obstructions and conflicts within the City ROW that may impact their project.

At this point the DPW will not issue a signoff for a Certificate of Compliance for the above referenced address until the conflict with the traffic calming device has been resolved to the City's satisfaction.

In addition to the information provided above, I informed you of your option to escalate this issue to the City Manager and ultimately the City Council. I am aware that you have discussed this issue with Deputy City Manager W. Bowman Ferguson, and he will review this matter with the City Manager when he returns to the office. In addition, you have the option to escalate this issue to the City Council for review and final direction to the City Manager and City staff. If you would like to bring this matter before the City Council you must submit a completed Request to Appear before the City of Durham City Council form to the City Clerk's Office prior to appearing at a City Council Work Session. Work Sessions are typically held on the first and third Thursday of each month at 1:00PM on the second (2nd) floor of City Hall, in the Committee Room. Speakers are normally permitted 3-minutes to speak and/or make a presentation to the City Council.

If you have any questions or concerns, please feel free to contact my office at (919) 560-4326.

Sincerely,

Marvin G. Williams
Director, Department of Public Works

c: W. Bowman Ferguson – Deputy City Manager
Mark D. Ahrendsen – Director, Department of Transportation
Tasha N. Johnson – Assistant Director of Public Works
Robert N. Joyner – Development Review Group Manager