

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN  
REQUEST FOR BOARD ACTION**

**Meeting Date:** December 13, 2010

**SUBJECT:** Acceptance of ownership and maintenance of Timber Park Water System.

**AGENDA INFORMATION**

**Agenda Location:** Consent Agenda  
**Item Number:** 7-G  
**Department:** Public Services  
**Contact:** Mark Combs, Public Services Director  
Mark White, Water Quality Specialist  
**Presenter:** Marcy Onieal, Town Manager

**BRIEF SUMMARY:** The Timber Park Property Owners Association (POA) constructed a water system and pump station to Town standards and subsequently requests that the Town accept ownership and maintenance of the system by the public in perpetuity. The Town has maintained the system under two formal agreements (dated 1988 and 2000) since its original installation. The area served by the Timber Park system is located within town limits and all 36 residential lots served by the system are Black Mountain water customers.

LandWorks Engineering, PLLC certified, by letter dated October 18, 2010, that the Timber Park water system was designed and constructed within substantial compliance and intent of the NCDENR-PWSS Rules and Regulations.... and that it is being operated as designed and intended. Water Quality Specialist Mark White is familiar with the construction and operations specific to the system, and concurs with LandWorks Engineering's assessment that the equipment is in good condition and functioning as it should be. As is customary in accepting dedication of a privately developed water system, the Town proposes as part of the property transfer, to enter into an agreement with the Timber Park POA, including a provision that the POA shall pay 100% of repair/replacement/maintenance costs of equipment in the event of failure within the first year after acceptance, and to split equipment repair/replacement/maintenance costs, if any, on a 50-50 basis in year two of the agreement. Beginning in year three, the Town will assume 100% of the cost of any equipment repair/replacement/maintenance. The current equipment has functioned without major problem for approximately 20 years. The expected life of pumping equipment such as that installed at Timber Park is 30-40 years with proper maintenance.

**MOTION FOR CONSIDERATION:** 1) To accept the dedication of the Timber Park Water System to the public in perpetuity and the transfer of ownership from the HOA to the Town of all structures, equipment and land on which the structures and equipment associated with the water system are located, including appropriate clearances and setbacks at no cost to the Town; 2) to direct the Town Attorney to originate documents necessary to affect the transfer of ownership and maintenance responsibility in accordance with the provisions noted above; and 3) to authorize the mayor and/or manager to execute closing documents and related agreement(s).

**FUNDING SOURCE:** Timber Park HOA paid the cost of surveying and engineer's assessment; the Town will incur only the cost of preparing deeds and associated agreement (to be expensed to the Water Fund within the adopted budget). The transfer of land ownership will minimally reduce land area subject to municipal property tax assessment, but will increase the Town's capital assets by the associated fair market value of property transferred.

**ATTACHMENTS:**

- LandWorks Engineering letter dated October 18, 2010
- Letter from the Timber Park Property Owners Association, Inc. dated October 14, 2010
- Surveys prepared by High Country Surveyors dated September 20, 2010
- Agreement between Timber Park Property Owners Association and Town dated September 1, 2000
- Letter from Timber Park Property Owners Association dated May 3, 1995
- Agreement between Timber Park Developers and Town dated September 2, 1988

**MANAGER'S COMMENTS AND RECOMMENDATIONS:** The Town executed a similar transfer of assets and related agreements with MVI, Inc for dedication of a privately developed water system in Black Mountain Estates in 2003, and entered into an agreement with Residents of High View Drive to maintain their privately developed water system in 1998, without an accompanying transfer of assets to the town.

The request by Timber Park POA is in keeping with past practice and general policy of the Town to accept dedication of privately developed infrastructure which is constructed to applicable codes and town standards, after at least one year of trouble-free operations/performance. With regard to the Timber Park request, town staff set forth construction standards and sealed engineering report standards to ensure an industrial-grade standard and quality necessary for acceptance as a publicly-maintained public water system.

Manager recommends adoption as presented.