

Amy Harvey

From: Judy Johnson
Sent: Tuesday, November 16, 2021 7:01 PM
To: Amy Harvey
Subject: FW: Petition for Assignment of Exclusive Planning Jurisdiction (Kendall Page)
Attachments: 21-11-15 Petition to Assign Exclusive Jurisdiction (signed).pdf; Exhibit A (2).pdf; Exhibit A.pdf; Exhibit B.pdf; Exhibit C (signed).pdf

They would like to have this on the agenda for tomorrow night. I'm not sure if they are planning on attending.

Judy

From: paul.dubbeling@pmdubbeling.com <paul.dubbeling@pmdubbeling.com>
Sent: Monday, November 15, 2021 1:14 PM
To: Judy Johnson <jjohnson@townofchapelhill.org>
Cc: 'kendall kendallpage.com' <kendall@kendallpage.com>; paul.dubbeling@pmdubbeling.com
Subject: Petition for Assignment of Exclusive Planning Jurisdiction (Kendall Page)

External email: Don't click links or attachments from unknown senders. To check or report forward to reportspam@townofchapelhill.org

Judy,

Thank you again for your time on Friday. As we discussed, I've prepared the attached Petition for the Town Council. Looking at N.C.G.S. Sec. 160D-203, it appears clear that this is the proper method to do something like this. In the petition, I've tried to lay out clearly what's going on, the legal authority to do it, etc.

Our hope is that we can get this into the meeting on Wednesday. To that end, I'm available between now and then to modify anything we've submitted or to provide you with anything else that would be helpful. I wasn't sure if it would be helpful to provide a draft resolution, but I'm also happy to do that.

Please let me know directly if you have any questions or concerns about the Petition.

Yours,
Paul Dubbeling
for Kendall Page and Mendall, LLC

Paul M. Dubbeling
P.M. Dubbeling, PLLC
210 North Columbia Street
Chapel Hill, NC 27514
Phone: 919-635-6005
Fax: 919-404-7074

Notice: This message may contain confidential and/or privileged information and is intended solely for the named recipient(s). If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Please notify the sender and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or

error-free as information can be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission.

15 November 2021

**Petition for Council to Assign Exclusive Planning and Development Regulation
Jurisdiction over Parcel Numbers 9787-32-6186 and 9787-42-0000 to Orange
County pursuant to N.C.G.S. § 160D-203**

Chapel Hill resident and long-time real estate attorney Kendall Page, on behalf of her company Mendall, LLC, petitions the Town of Chapel Hill to assign to Orange County exclusive planning and development regulation jurisdiction for the parcels of land with parcel identification numbers 9787-32-6186 and 9787-42-0000 located along Homeplace Drive near the intersection with Old Lystra Road. This petition is made for the following reasons:

Background

As shown on Exhibit A, Mendall, LLC owns several parcels of land lying between Homeplace Drive and Old Lystra Road to the south of Chapel Hill. These parcels lie in the planning and development regulation jurisdictions of Orange County and Chapel Hill, and in the joint planning area shared between them. This petition concerns parcel numbers 9787-32-6186 and 9787-42-0000 (collectively, the “Land”). The Land lies (at least partially) in the joint planning area of Orange County and Chapel Hill. On Exhibit A, the Land is outlined in red and the joint planning area is the cross-hatched section of the map (with

P.M. Dubbeling, PLLC

Chapel Hill's exclusive jurisdiction shown in gray and Orange County's exclusive jurisdiction in green).

Mendall, LLC wishes to subdivide its land. As shown on Exhibit B, the proposed subdivision (Lots D-1 through D-8) lies almost entirely within the exclusive jurisdiction of Orange County, but lots D-7 and D-8 (subdividing what is now parcel number 9787-42-0000) would extend into the joint planning area. As part of this plan of subdivision, Mendall, LLC wants to dedicate parcel number 9787-32-6186 to be open space for the enjoyment and benefit of future owners of the surrounding land. Orange County has approved this subdivision in concept and, if this petition is granted by the Town, Mendall, LLC will submit a formal request for subdivision in accordance with Exhibit B.

Legal Authority

In 2019, the North Carolina Legislature enacted N.C.G.S. Chap. 160D specifically to address local planning and development regulation. In doing so, the Legislature created a specific mechanism for local authorities to handle situations in which a parcel lies within the jurisdiction of more than one planning authority but it makes more sense for one authority to handle a proposed project.

Under N.C.G.S. § 160D-203, when a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, those governments may agree to assign that parcel to the exclusive jurisdiction of one on them. Importantly, this does not require a redrawing of jurisdictional boundaries. Instead, by mutual agreement (and with the written consent of the landowner) the two governments assign a specific parcel of land to the exclusive planning and development regulation jurisdiction of one of them. By doing so, the local governments avoid the need for duplicative work in reviewing, approving, and monitoring proposed land use.

P.M. Dubbeling, PLLC

To demonstrate that the governments have agreed, each government passes a resolution so assigning the land.

Petition

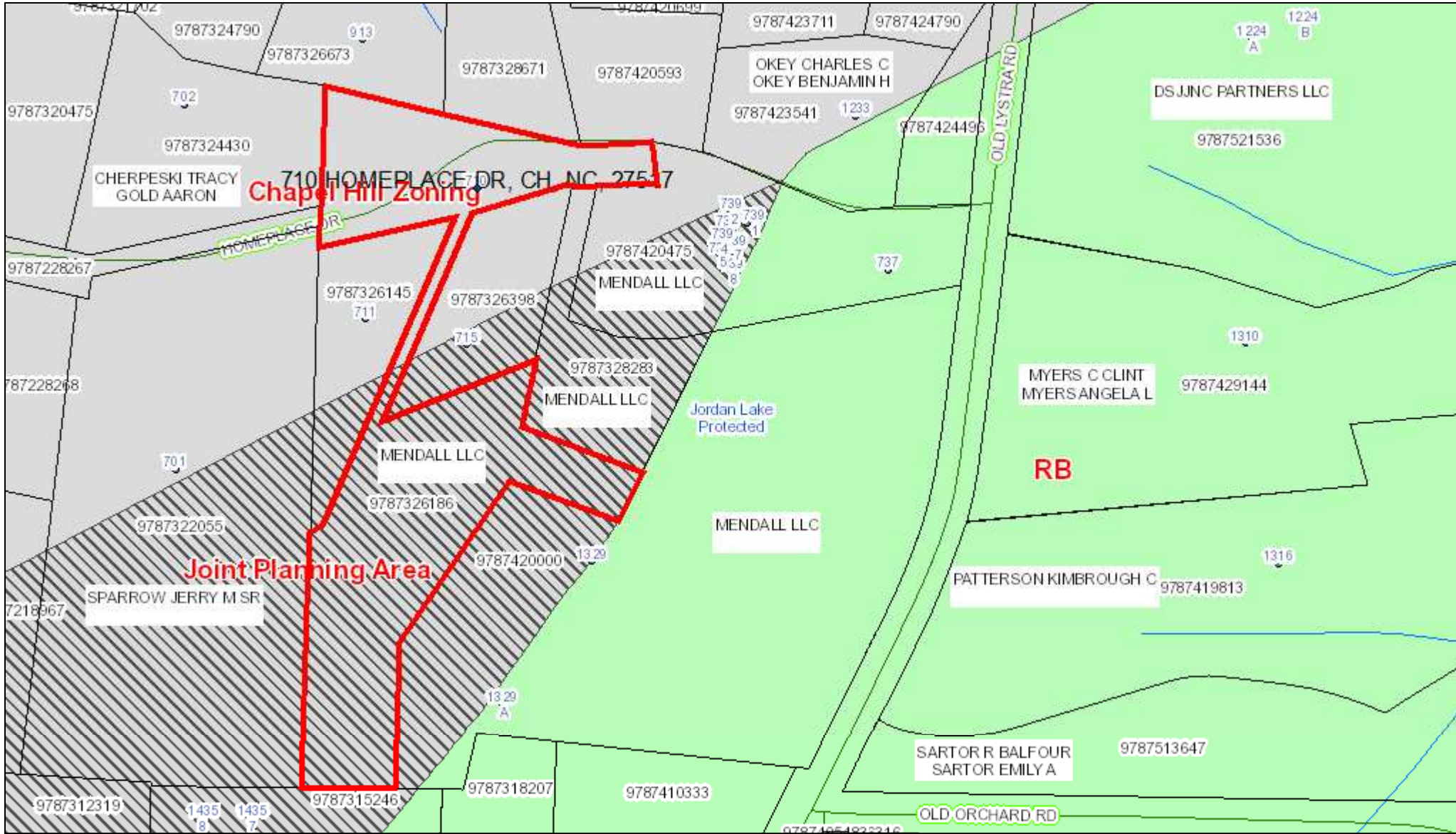
By this petition, Mendall, LLC seeks a resolution of the Town assigning to Orange County the exclusive planning and development regulation jurisdiction of the Land. In making this petition, Mendall, LLC covenants and warrants that parcel number 9787-32-6186 or its substantial equivalent shall be left as open space in perpetuity for the benefit of adjoining landowners. Mendall, LLC further covenants and warrants that it shall submit to Orange County a plan of subdivision substantially as shown on Exhibit B and that any modifications to such plan as may be required by Orange County shall have easements sufficient to ensure that every parcel has access to public rights of way and utilities. Finally, the remaining parcels owned by Mendall, LLC and located in the joint planning area (9787-32-6398, shown as Lot A on Exhibit B; and 9787-42-0475, shown as Lot B on Exhibit B) would remain under the concurrent jurisdiction of the Town and Orange County.

The landowner consents to this assignment (Exhibit C).

Conclusion

Kendall Page, on behalf of Mendall, LLC respectfully requests the proposed assignment. This will allow for the efficient, sustainable development of the area and provide to Chapel Hill dedicated open space.

Exhibit A: Showing Parcel 9787-32-6186 and Jurisdiction Lines



September 22, 2021 This map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

The county and its mapping companies assume no legal responsibility for the information on this map.

PIN: 9787326186
 OWNER 1: MENDALL LLC
 OWNER 2:
 ADDRESS 1: 210 N COLUMBIA ST
 ADDRESS 2:
 CITY: CHAPEL HILL
 STATE, ZIP: NC 27514
 LEGAL DESC: OPEN SPACE C REV RECOMB MENDALL LLC P123/149

SIZE: 4.38 A
 DEED REF: 6698/1272
 RATECODE: 17
 TOWNSHIP: CHAPEL HILL
 BLDG SQFT:
 YEAR BUILT:

BUILDING COUNT:
 LAND VALUE:
 BLDG_VALUE:
 USE VALUE: \$0
 TOTAL VALUE:
 DATE SOLD: 07/22/2021
 TAX STAMPS:

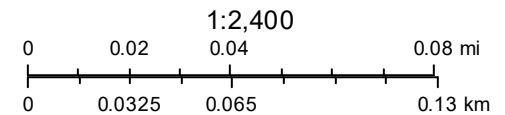
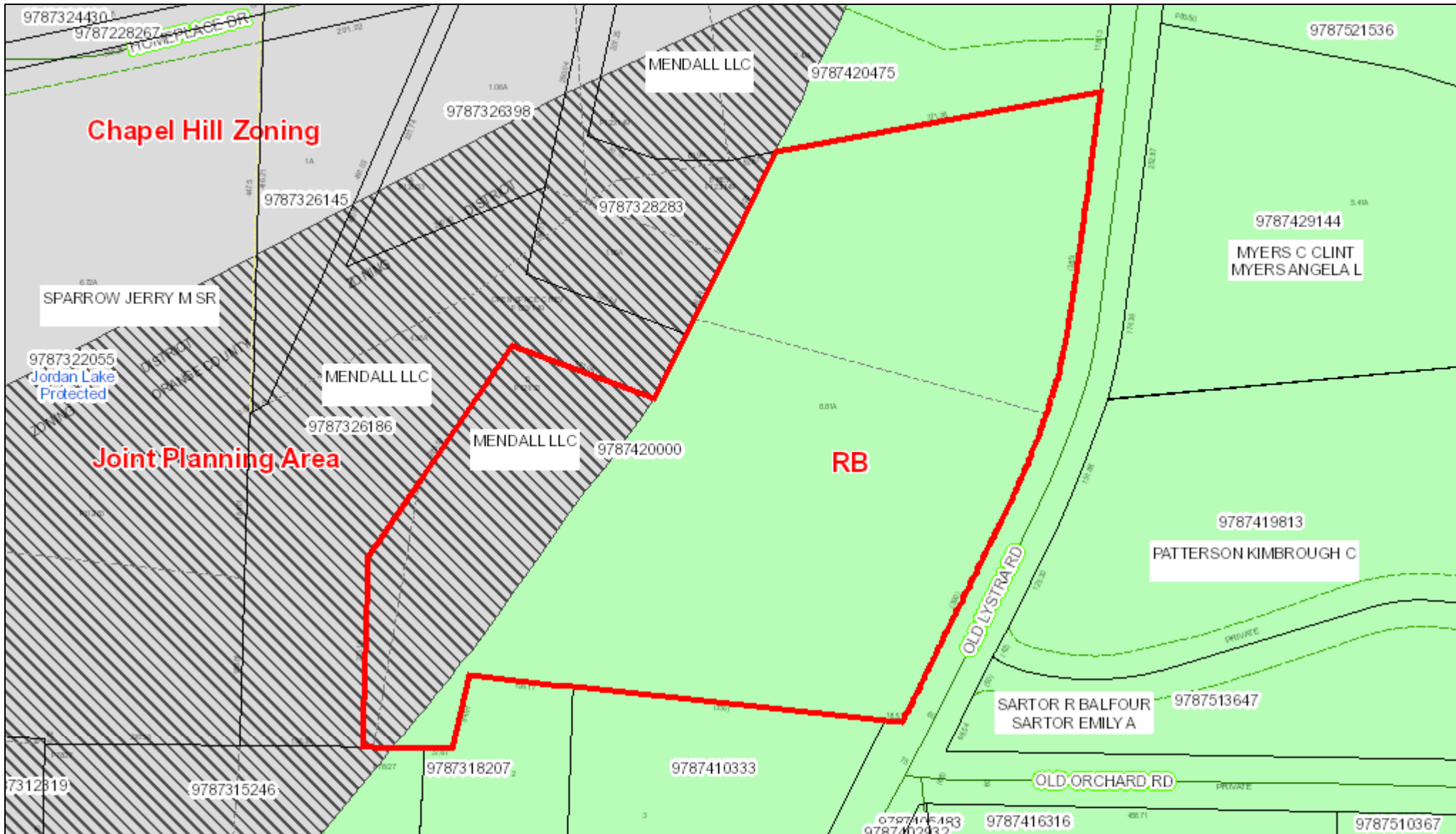


Exhibit A: Showing Parcel 9787-42-0000 and Jurisdiction Lines



November 14, 2021 this map contains parcels prepared for the inventory of real property within Orange County, and is compiled from recorded deed, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

The county and its mapping companies assume no legal responsibility for the information on this map.

PIN: 9787420000
 OWNER 1: MENDALL LLC
 OWNER 2:
 ADDRESS 1: 210 N COLUMBIA ST
 ADDRESS 2:
 CITY: CHAPEL HILL
 STATE, ZIP: NC 27514
 LEGAL DESC: D CHILDRESS PAGE PROPERTIES LLC P121/33

SIZE: 8.81 A
 DEED REF: 6701/512
 RATECODE: 17
 TOWNSHIP: CHAPEL HILL
 BLDG SQFT: 4719
 YEAR BUILT: 1954

BUILDING COUNT: 2
 LAND VALUE:
 BLDG_VALUE:
 USE VALUE:
 TOTAL VALUE:
 DATE SOLD: 1/21/2021
 TAX STAMPS:

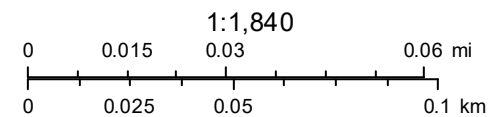


Exhibit B: Proposed Plan of Subdivision Showing Dedication of Open Space

Notes

- This survey was performed without the benefit of a title report. This survey is subject to any facts and easements which may be disclosed by a full and accurate title search.
- This property is subject to all easements, buffers and restrictions shown hereon and all others of record not shown hereon.
- This property is not in any Special Flood Hazard Areas or Future Conditions Flood Hazard Areas, as shown on FIRM Panel: 9787 Map Number: 3710579700K Panel Effective Date: 11/17/2017.
- No NCGS horizontal control monument found within 2000 feet.
- This property is in the Jordan Lake Protected Watershed District.
- A portion of this property is in the Town of Chapel Hill Zoning Jurisdiction, Zoning District R-LD1.
- A portion of this property is in the Orange County Zoning Jurisdiction, Zoning District RB (Rural Buffer).
- The zoning line shown hereon has been downloaded from Orange County GIS.
- Existing drainfield shown hereon digitized from information provided by Agri-Waste Technology, Inc. (AWI).
- The purpose of this survey is a flexible minor subdivision of Lot D and Open Space Lot C Revised, to create eight lots, Lot D-1 through Lot D-8.
- Jurisdiction and location of stream may be subject to change; stream shown hereon has been field-located.

ORIGINAL AREAS

Lot D (Area per P.B. 121-33)
383,542.1 S.F. (8.805 Acres) (incl. R/W)

Open Space Lot C Revised (Area per P.B. 123-149)
190,672.0 S.F. (4.377 Acres)

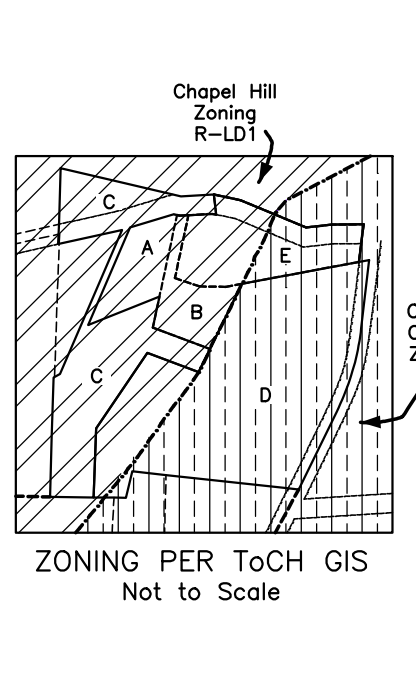
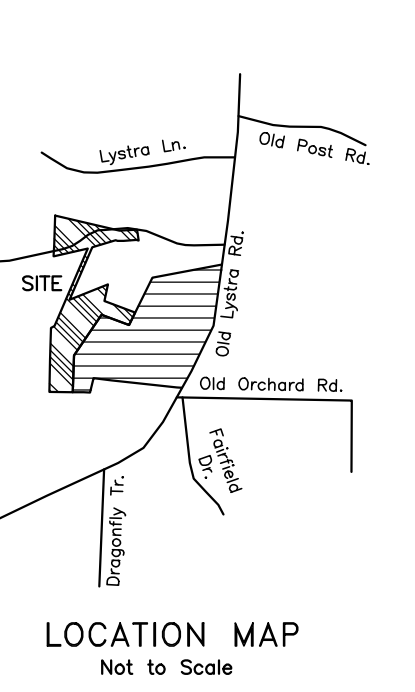
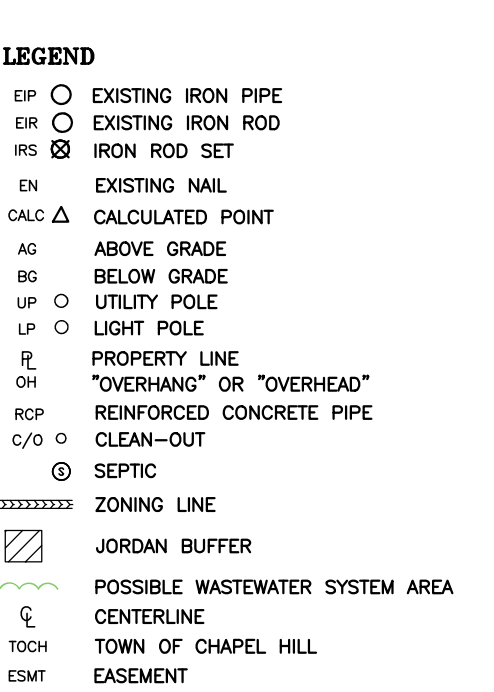
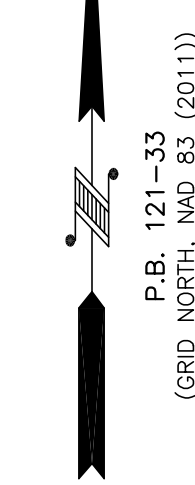
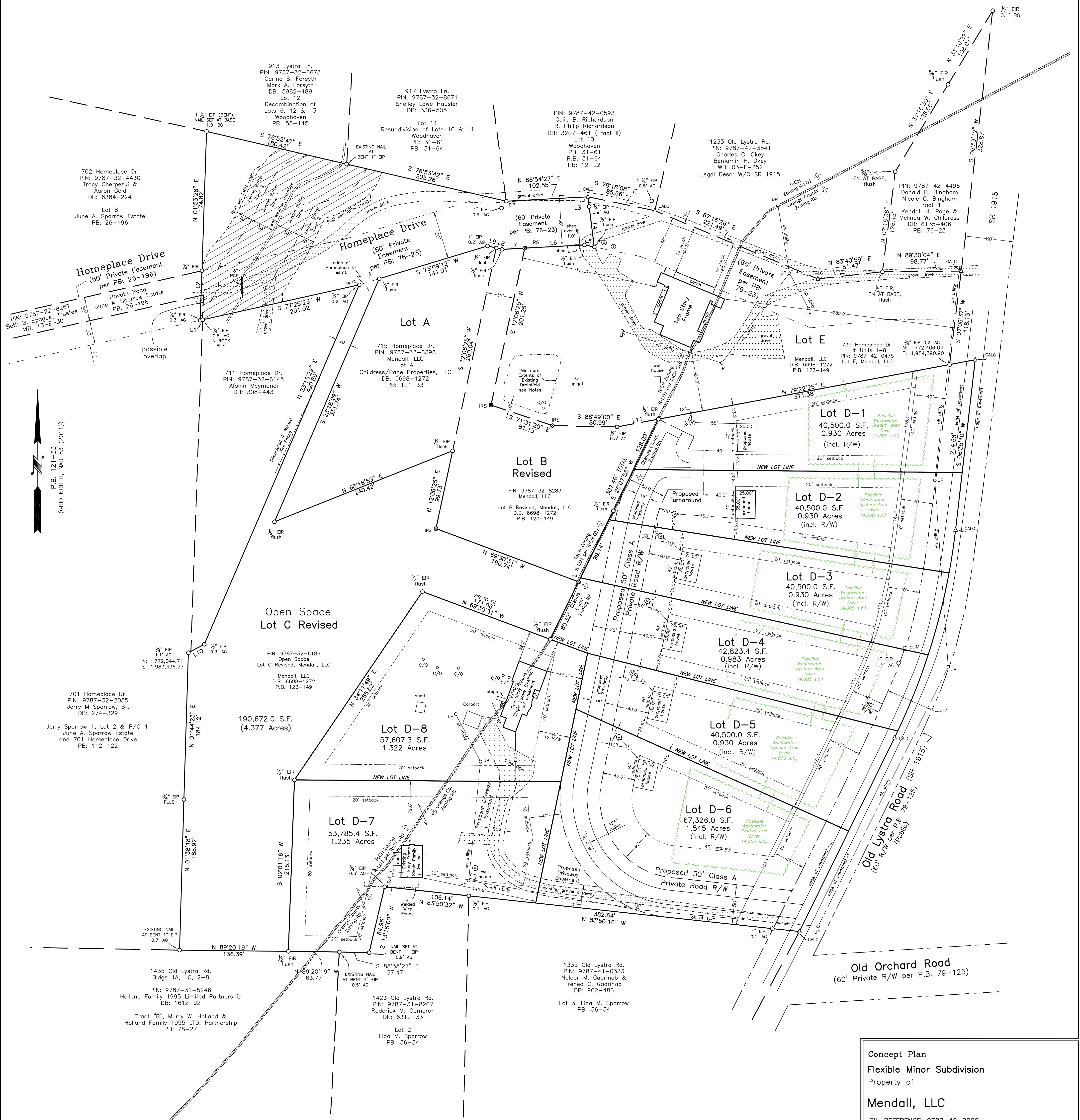
TOTAL AREA: 574,214.1 S.F. (13.182 Acres) (incl. R/W)

LINE	BEARING	DISTANCE
L1	S 77°34'14" W	3.25'
L2	N 02°04'16" E	62.09'
L3	S 07°12'41" E	12.36'
L4	S 07°12'41" E	51.07'
L5	N 78°18'08" W	12.77'
L6	S 86°54'27" W	74.79'
L7	S 86°54'27" W	28.51'
L8	N 76°53'42" W	7.49'
L9	N 76°53'45" W	11.12'
L10	N 62°06'17" E	22.61'
L11	N 79°22'25" E	52.67'

PRELIMINARY PLAT – NOT FOR RECORDATION, CONVEYANCES OR SALES

**Residential Zoning District RB (Rural Buffer) Setbacks
Per Orange County UDO Section 3.3**

Front Setback from R/W, min. (feet) 40
Corner Side Setback, min. (feet) 40
Side Setback, min.(feet) 20
Rear Setback, min.(feet) 20



Concept Plan
Flexible Minor Subdivision
Property of
Mendall, LLC

PIN REFERENCE: 9787-42-0000
LOT D, CHILDRESS/PAGE PROPERTIES, LLC
DEED REFERENCE: 6701-512
PLAT REFERENCE: 121-33

PIN REFERENCE: 9787-32-6186
OPEN SPACE LOT C REVISED, MENDALL, LLC
DEED REFERENCES: 6698-1272; 6735-2018 (split)
PLAT REFERENCE: 123-149

OWNER'S ADDRESS
MENDALL, LLC
210 N. COLUMBIA ST.
CHAPEL HILL, NC 27514

CHAPEL HILL TOWNSHIP
ORANGE COUNTY
NORTH CAROLINA

Rev: July 28, 2021
Prelim Plat: May 11, 2021
Survey Date: March 1, 2021

Scale: 1" = 60'

STATE OF NORTH CAROLINA

COUNTY OF ORANGE

**Petition for Assignment of
Planning Jurisdiction
(PIN 9787-32-6186 and
9787-42-0000)**

**WRITTEN CONSENT OF
LANDOWNER**

)
)
)
)
)
)
)
)
)
)
)

COMES NOW Kendall Page, as the managing member and on behalf of Mendall, LLC, a North Carolina limited liability company, and does, by signature below, consent to the assignment of the land having parcel identification numbers 9787-32-6186 and 9787-42-0000, and being located in along Home Place Drive near the intersection with Old Lystra Road, to the exclusive planning and development regulation jurisdiction of Orange County, North Carolina.

This is the 15th day of November, 2021.

Kendall Page
for Mendall, LLC