

Sun Journal

Pamlico County braces for water impact fees lawsuit

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BAYBORO — The Pamlico County commissioners, bracing for a possible lawsuit from the developers of a failed upscale Stonewall subdivision, have turned down a second request for a \$3 million refund of water impact fees.

An attorney for Cutter Bay developers RR Development North asked the county to refund \$2.7 million and keep \$200,000. The impact fees represented the county's commitment to provide water capacity for the proposed community of nearly 900 homes.

County attorney Jimmie Hicks sent a second letter to Raleigh attorney Robin Tatum Currin, denying the request and pointing out that the county policy for refunds extends only 60 days after a developer gets state approval of plans for a water system.

The developers' plans, submitted through the county, were approved in December 2007.

"We have not been quote 'threatened' with a lawsuit if we don't refund the money, but the county and I are approaching this with the expectation that a lawsuit would be likely if for no other reason, it's three-million dollars," Hicks said.

"The \$200,000 was probably some attempt to negotiate, but how they determined \$200,000 I do not know," he said.

Currin declined comment on the latest denial by Pamlico County, except to say "My clients are deciding what they are going to do. We are still analyzing our options."

The Cutter Bay developers also requested that the state rescind approval of plans to build a water system at the 500-acre Cutter Bay site.

Those plans were approved in December of 2007, and renewed again last month.

Hicks also sent a letter to the Public Water Supply Section asking that no action be taken without approval or request from the county. He pointed out that the request for approval of plans was submitted by the county, not the developer.

"They are trying to take the position that since they are not actually going to impact the water system, we're (Pamlico County) not entitled to keep the impact fee."

Hicks said commissioners had not changed their position, based on the county policy.

"The policy makes it very clear that when you pay this and we commit, we have to start getting ready for this, and that includes the possibility of expanding the water system, new water towers, new water treatment, new distribution lines. And, that is a long-term process."

The county has hired a new engineering firm from Greenville to address water issues, including increased water capacity.

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