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November 28, 2022

Via Electronic Mail

Dan LaMontagne, County Manager
Jason Sullivan, Planning Director

Re: Refund of Overpayments for Recreation Fees and Affordable Housing Fees; Briar Chapel

Dear Dan and Jason,

In accordance with our exchange of emails regarding NNP-Briar Chapel, LLC's ("NNP") requested refund of overpayments on Recreation Fees and Affordable Housing Fees, we hereby re-submit the request supplemented by the additional and more detailed information you requested after your review with the County Attorney. **We seek to have this placed on the BOC agenda for the December 19, 2022 meeting.**

Attached is a reconciliation spreadsheet Andrew Slawter in our firm previously forwarded regarding the AHU Fees and Recreation Fees that NNP has paid and the credit balances that have resulted after the pre-payment in January 2020. The credit balances resulted from lots as to which the fees were paid but which lots were later eliminated by lot recombination plats. We have now added the supplemental information you requested below in your email of May 17, 2022 showing copies of the original and recombination plats for all of the 18 lots. Essentially, there are 18 Lots for which NNP double-paid the Recreation Fee and AHU fee. (The refund sought for the AHU fees amounts to 17.18 lots because the initial 2006 \$100,000 pre-payment of AHU fees prepaid for 217.18 lots -- \$460.44 does not divide evenly into \$100,000).

Based on the spreadsheet, and Andrew's explanation in his email of May 17, 2022 (copy attached as the last page hereof), we have calculated overpayments by NNP as follows:

Affordable Housing Fees: \$7,912.01
Recreation Fees: \$16,668

NNP seeks a refund from the County for those amounts in accordance with the prior approach and the entirely unique fee situation approved as part of the Briar Chapel compact community.

As a context point, we hope the Board will agree that Briar Chapel has contributed in an extraordinary way to the cause of affordable housing and recreational opportunities in Chatham

County through multiple millions of dollars of in-kind fees and actual recreational facilities (like Andrews Store Road Park land and other facilities).

Please review and let me know if you have any questions.

Thanks.

With best regards, I am

Very truly yours,



Nicolas P. Robinson

c: Tanya Matzen