

From: Andrew Slawter <slawter@bradshawrobinson.com>
Sent: Tuesday, May 17, 2022 11:35 AM
To: Jason Sullivan <jason.sullivan@chathamcountync.gov>
Cc: 'Nick Robinson' <robinson@bradshawrobinson.com>; 'Matzen, Tanya' <Tanya.Matzen@brookfieldpropertiesdevelopment.com>
Subject: RE: AHU and Recreation Fee Reconciliation (Briar Chapel)

Jason,

As you'll recall, last year NNP-Briar Chapel, LLC requested a reimbursement of affordable housing fee and recreation fee credits that have accumulated as NNP has replatted lots over the years. You responded to that request in November, and I apologize for just now following up. Reimbursement by the County is not without precedent for Briar Chapel. In 2012, which was early in the overall development of the project, NNP converted Lots 446 and 480 to common areas (see Plat Slides 2012-92 and 2012-93). Those plats were recorded on May 23, 2012, and on May 31, 2012, Chatham County issued refund checks to NNP for the affordable housing and recreation fees that were paid for those lots. We do not have copies of the checks themselves, but Lynn Richardson did send us the attached proof of the refunds after the checks were issued.

Since that time, our firm has periodically provided reconciliation letters to the Planning Department in order to track the current status of recreation and affordable housing fees against the actual number of lots then-platted. Since NNP has always been limited by its Conditional Use Permit to the development of a specific number of residential lots, the total amount to be paid by NNP has always seemed to be a sum certain (this is especially true with the affordable housing fee, which was created as a total amount to be paid, rather than a per-lot fee, and only prorated on a per-lot basis for convenience).

Now that the total number of actual lots is known, it is an appropriate time for the reconciliation (rather than a piecemeal approach that could change over time). In light of the fact that the County previously refunded the prior overpayment, NNP reasonably expected that the refund policy would not change without notice or a discussion. This seems like an undue windfall to the County that is an unexpected penalty to NNP. In that context, and especially since the County has previously refunded NNP for affordable housing and recreation fees, NNP respectfully requests that the County reconsider NNP's request.

Thank you,

Andrew

Andrew T. Slawter
Bradshaw Robinson Slawter LLP
919-542-2400, Ext. 3

Pittsboro: 128 Hillsboro St. (P.O. Box 607), Pittsboro, NC 27312
Chapel Hill: 79 Falling Springs Dr., Suite 100, Chapel Hill, NC 27516