

**WALTERS BUFFALOE  
DEVELOPMENT AGREEMENT AMENDMENTS  
and  
SPOT MOBILITY AGREEMENTS**

November 6, 2023

# Development Agreement – NCGS Chapter 160D, Article 10

## Process

- Proposed as a condition of approval of CZ-MP-21-12
- Public Hearings on 10/3/2022 and 11/22/2022
- Approved 11/22/2022
- Executed 12/19/2022
- Recorded 12/30/2022

# Rezoning Condition #22

The developer will widen and/or restripe White Oak Road to provide a minimum of a four-lane cross section starting approximately 1,300 LF north of the Bryan Road intersection and continuing south through the Bryan Road intersection for approximately 1,000 feet before tapering back to a 2-lane section.

# Condition #22 (continued)

Construction of these improvements are subject to a separate Development Agreement that more fully address the following:

- Scope of the improvements
- Timing for obtaining Certificates of Occupancy for homes prior to completion of the improvements
- The Town's assistance with obtaining Right of Way
- Reimbursement or cost-share from other developments benefitting from this improvement
- Developer's obligations if the improvement cannot be constructed due to right of way or other constraints
- Coordination with future traffic signal to be constructed by NCDOT or others

# Summary of Amendments

- Revisions to the description of the corridor work
- Updated exhibits
- Extensions of timing and milestones
- Incorporation of the associated spot mobility sub-agreement for the traffic signal

# Paragraph 2 – Corridor Work

- Adds Exhibit G – Revised Conceptual Plans
- Description of corridor work includes improvements required for the Ball Rental project

# Paragraph 4 – Final Costs

- Adds Exhibit H – Revised Preliminary Budget
- Estimated budget increased from \$2.46 million to \$3.29 million
- Includes \$680,000 from Spot Agreement and \$150,000 from Ball Rental project
- Final Costs subject to Corridor Fee Payments = \$2.46M

# Paragraph 8 - Timing

- Acquisition of Easements – Pulte shall provide all appraisals and offers/counteroffers by 1/31/2024
- Corridor Work – Pulte shall complete road widening and traffic signal prior to Town approving 120 lots
- Condemnation – If necessary, Town shall file eminent domain cases by 3/1/2024



# Paragraph 8 – Timing

- Fee In Lieu Payment – If ROW and easements are not acquired/condemned by 6/30/2024, then Pulte shall pay Town 35% of Cost Estimate for Corridor Work
- After completion of Corridor Work, Town shall calculate Final Costs and Pulte will pay the difference between the Fee in Lieu Payment and 35% of the Final Costs

# Paragraph 8 - Timing

- Replaces Exhibit D with Exhibit I – Preliminary Milestone Schedules
- Roadway Construction and Traffic Signal to be completed by November 2025
- Completion of improvements prior to platting of 120th lot (this is unchanged)

# Exhibit F - Definitions

- Budget – now references Exhibit H
- Corridor Work – includes installation of traffic signal

# Exhibits

- Exhibit F replaces former Exhibit F
- Exhibit G replaces former Exhibit B
- Exhibit H replaces former Exhibit C
- Exhibit I replaces former Exhibit D
- New Exhibit J – Draft Spot Mobility Sub-Agreement

# Right of Way Acquisition

- Pulte will obtain title certificates for needed ROW and easements within 60 days of approval of Corridor Work Plans – Section 8.1
- Pulte will obtain appraisals and make offers based on appraised value – Section 8.3
- If property owners do not accept offers, Town will file condemnation actions – Section 8.3

# Reimbursement/Cost-Share

- Defined in Section 6
- Impact Area defined/shown on Exhibit E
- Corridor Fee Payments by other developers in the Impact Area = Final Costs X (Developer Daily Trip Average / Aggregate Daily Trip Average)
- Based on traffic studies
- Town collects Fee Payments and remits to Pulte

# Pulte's Obligations

- Seek Cost Share Agreements with Corridor Developers – Section 6.1
- Fee in Lieu – if ROW and easements have not been acquired by 6/30/2024, Pulte will pay 35% of estimated costs – Section 8.4

# Traffic Signal

- White Oak/Bryan Road intersection
- White Oak Road spot mobility project selected for \$680,000 funding in October, subject to NC Board of Transportation approval
- Installation costs not included in Final Costs



# Spot Mobility Agreement w/ DOT

- NCDOT will reimburse up to \$680,000 for the traffic signal and associated road widening
- Subject to State contracting requirements
- Work must be completed within 2 years

# Spot Mobility Sub-Agreement w/ Pulte

- Transfers Town's obligations under the DOT Agreement to Pulte
- Any costs not reimbursed by DOT will be included in the Final Costs under the Development Agreement and part of Corridor Fee Payments by other developers
- Town will assist Pulte in complying with State contracting requirements

# Other Corridor Developers

- Golden Trace – approved 2/6/2023 with condition to enter into Cost Share Agreement with Pulte or pay Corridor Fee to the Town
- Ball Rental – \$150,000 payment and dedicating ROW
- Mahler's Creek – decision continued from 9/19/2023 until Development Agreement Amendments are approved

# Requested Action

1. Authorize Town Manager to execute the Addendum to Development Agreement with Pulte Home Company LLC
2. Authorize Town Manager to execute the Spot Mobility Agreement with NCDOT and Sub-Agreement with Pulte Home Company LLC