

**MAYOR**  
Michael L. Alvarez

**MAYOR PRO TEM**  
David L. Cohn



**TOWN COUNCIL**  
Robert W. Allen  
Christopher M. King  
Darlene T. Luther  
David K. Waddell

Indian Trail Town Council Meeting  
October 8, 2013  
Civic Building  
6:30 p.m.

**1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

**2. ADDITIONS AND DELETIONS**

**3. MOTION TO APPROVE AGENDA**

**4. PRESENTATIONS**

- a. [Mayor for a Day Proclamation](#)
- b. [National Planning Month Proclamation](#)

**5. PUBLIC COMMENTS**

**6. CONSENT AGENDA**

- a. [Approval of draft minutes for September 24, 2013](#)
- b. [Budget Amendments](#)
- c. [Annexation # 138:](#)
  - A resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary annexation petition
  - A Certificate of Sufficiency
  - A resolution setting the public hearing date for the annexation to November 12, 2013
- d. [Establish Public Hearing for Traffic Calming for Spanish Moss on November 12, 2013](#)

**7. PUBLIC HEARINGS**

*None*

**action**

**8. BUSINESS ITEMS**

- a. Council consideration of approval of Crooked Creek Park bid and Amendment of Capital Project Ordinance.
- b. Council consideration of approval of Chestnut Parkway Extension bid and Amendment of Capital Project Ordinance for Chestnut Square Park
- c. Council consideration of approval of Change Order for JD Goodrum contract and approval Of Capital Project Ordinance for Chestnut Square Park
- d. Council consideration of Traffic Calming Policy revisions
- e. Council consideration of Approval of agreement with Woolpert to assist with Town PARTF Grant application

**9. DISCUSSION ITEMS**

- a. Discussion of changes of responsibilities for Park, Tree & Greenway Committee
- b. Discussion of update on Bell Tower Report
- c. Discussion of Monroe Bypass Project

**10. MANAGERS REPORT**

**11. COUNCIL COMMENTS**

**12. CLOSED SESSION**

**action**

**13. ADJOURN**

**action**

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.**

**AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

*The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is [townclerk@admin.indiantrail.org](mailto:townclerk@admin.indiantrail.org); the phone number is 704-821-2541*

# *PROCLAMATION*

*WHEREAS*, the spirit of a community is born of enthusiasm, service and dedication; and

*WHEREAS*, that spirit has, once again, been show to one of Indian Trail's residents Will Henely since his diagnosis of a serious illness; and

*WHEREAS*, there is a 5K Fundraiser Walk for Will to be held on Saturday, October 12, 2013 and we encourage all to come out; and

*WHEREAS*, Will, at age 7 has shown this community strength and courage with his battle, while still playing with friends and Brother Jack; and

*WHEREAS*, Will continues to be active and curious loving to create things with empty boxes, plays baseball, loves to swim and ride his bike; and

*WHEREAS*, Will is known as a thoughtful, good friend and has a goal upon completion of treatment to get a puppy and train it to be a therapy dog, like the ones that have provided him comfort in his time of need; and

*NOW, THEREFORE*, I, Michael L. Alvarez, Mayor of the Town of Indian Trail along with my fellow Council Members do hereby decree Will Henely Mayor for a Day on Saturday, October 12, 2013.

*IN WITNESS WHEREOF*, I have hereunto set my hand and caused the Seal of the Town of Indian Trail be affixed this 8<sup>th</sup> day of October, 2013.

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Michael L. Alvarez, Mayor

## **COMMUNITY PLANNING MONTH PROCLAMATION**

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, the American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the Town of Indian Trail of North Carolina; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of the Town of Indian Trail of North Carolina and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, BE IT RESOLVED THAT, the month of October 2013 is hereby designated as **Community Planning Month** in the Town of Indian Trail of North Carolina in conjunction with the celebration of National Community Planning Month.

Adopted this \_\_\_\_\_ Day of October, 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk



**Town of Indian Trail**  
**Minutes of Town Council**  
**September 24, 2013**  
**Civic Building**  
**6:30 P.M.**

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: Robert Allen, David Cohn, Christopher King, and David Waddell.

Absent Members: Darlene Luther, Planning Director Shelley DeHart, Finance Officer Marsha Sutton and Tax Collector Janice Cook.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Director of Engineering and Public Works Scott Kaufhold , and Senior Planner Rox Burhans .

**CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE**

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

## **ADDITIONS AND DELETIONS**

Christopher King made a motion to approve deleting item 4a Mayor for a Day Proclamation Presentation.

Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Council Member Luther was not in attendance.

David Cohn made a motion adding Wayfinding bids as item 8b.

Council voted unanimously in favor of the motion.

David Waddell made a motion to approve adding announcing names of Citizens Academy Graduates under presentations.

Council voted unanimously in favor of the motion.

## **MOTION TO APPROVE AGENDA**

Robert Allen made a motion to approve the agenda.

Council voted unanimously in favor of the motion.

## **PRESENTATIONS**

### a. Mayor for a Day Proclamation

*This item was deleted as a result of a motion made in Additions and Deletions.*

### b. Reading of names of Graduates of the Indian Trail Citizens Academy.

Mayor Alvarez read the names of the Graduates for the Citizens Academy.

## **PUBLIC COMMENTS**

Jeanine Oberhofer, 1026 Spanish Moss Road, Indian Trail, NC addressed the traffic calming necessity for her development, stating that her neighborhood is being used as a cut through. She advised that 98% of the residents signed the petition for speed bumps.

Jerry Morse, 271 Unionville Indian Trail Road, Indian Trail, NC feels that speed bumps are very important and would rather see the money spent on that instead of wayfinding signs. He stated that a previous Council approved the Bonterra neighborhood that allowed the roads to be built but not to NCDOT standards and if that's true will it be addressed. What does it mean

if the town takes over those roads not up to NCDOT standards, are we responsible for the expense and what the cost would be. Also, how was that allowed, fire trucks, he has heard that a previous employee has a gag order and would appreciate more information. He stated that the citizens academy is great, but suggests changing the name so as not to confuse it with Union County Sheriff's Office Program.

Mayor Alvarez closed public comments and announced that there is a candidates forum at Sun Valley High School at 7 pm on Thursday, September 26th.

**CONSENT AGENDA**

- a. Approval of draft minutes for September 10, 2013

Robert Allen made a motion to approve the Consent Agenda.  
Motion Passed 3 - 1 with David Waddell opposing.

**PUBLIC HEARINGS**

*None*

**BUSINESS ITEMS**

- a. SECOND READING CZ2013-002 Glenn Oaks Apartments

Mr. Burhans provided a brief review of the matter.

Robert Allen made a motion to approve the required findings as previously read into the record and found in the draft ordinance including the consistency statements for CZ 2013-002 as presented in the second reading.

Motion Passed 2 - 2 with David Cohn, and David Waddell opposing.

Mayor Alvarez broke the tie by voting in favor of the motion.

Robert Allen made a motion to approve the second reading for CZ2013-002 Glenn Oaks Apartments.

Motion Passed 2 - 2 with David Cohn, and David Waddell opposing.

Mayor Alvarez broke the tie by voting in favor of the motion. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

- b. Bids for Wayfinding Signs

*This item was added as a result of a motion made under Additions and Deletions.*

Mr. Fivas provided a brief review of this item, advising that the 3 qualified bids came back. Rite Lite signs came in with the lowest bid of \$125,777.05 and staff recommends approval of this bid.

Christopher King made a motion to approve Rite Lite Sign bid of \$125,777.05. Motion Passed 3 - 1 with David Waddell opposing.

## **DISCUSSION ITEMS**

### **a. Transportation and Infrastructure Update**

Mr. Fivas provided a recap of traffic accomplishments Council has conducted over the last five years.

Mr. Kaufhold explained the phases of Chestnut Parkway and provided project updates for several sidewalks, Chestnut Square Park, Crooked Creek Park, pavement condition survey, Unionville Indian Trail Road and Sardis Road intersection, Rogers Road and Wesley Chapel Stouts intersection, Waxhaw Indian Trail Road and Pioneer Lane. Mr. Kaufhold provided updates on projects of NCDOT: US 74, Indian Trail Road Bridge replacement, Old Monroe Road.

### **b. PARTF Grant Update**

Mr. Fivas advised that he, Kelly Barnhardt and Andre Pack with Woolpert met with state representatives for the PARTF Grant funding grant and they presented to us that we might want to apply for different parts of our project already out to bid right now , for example the dog park, instead of waiting for next year and if approved we could actually get grant funding for this phase we are constructing now. They really like our Crooked Creek Project and wanted to be a part of it. We must go through the public process to get support for the grant, turn it into them in January and it would be awarded in April.

David Cohn made a motion to approve staff moving forward in applying for the PARTF Grant. Council voted unanimously in favor of the motion.

### **c. Traffic Calming Program Update**

Mr. Fivas provide an update on the process and on the projects currently as study areas - Brookhaven, Brandon Oaks, Brook Valley, Beacon Hills. He advised we have installed temporary speed humps at the first 3 locations. He informed Council that they will be considering these areas for approval in the upcoming months. All will not be speed humps as there is are several

different ways to accomplish calming, all of which will be presented to Council for their determination and approval.

d. Neighborhood Enhancement Program Update

Mr. Fivas explained this is where some of our neighborhoods have issues now they can come to us for assistance. He offered the opportunity to Council Members to be a part of the discussion.

**DISCUSSION ITEMS**

*None*

**MANAGERS REPORT**

*None*

**COUNCIL COMMENTS**

Mayor Alvarez discussed the missing campaign sign issues, advising that the candidates are acting like real neighbors.

Mr. Cohn congratulated Sun Valley for beating Porter Ridge. Staff does a great job he appreciates it and thanked them. He thanked Mr. Fivas as well for a great job

Mr. King had no comments.

Mr. Waddell appreciates the citizen who spoke on public comments about traffic calming, he would like to see it all done by spring, but there is a procedure and process and it's unfortunate that it takes so long but is confident it will be resolved soon. We did adopt a road and streets policy used to determine the town taking over roads which spells out criteria. He would like to look into the future to include a pedestrian traffic study as well as vehicular traffic study for projects like Glenn Oaks Apartments. He reminded all about the NCDOT meeting at the Cultural Arts Center on Wednesday evening, when the residents come out and speak it means a lot and encourages them to come out and check it out. Candidate signs, take a more diplomatic approach you must draw the line at property, physical and character, be civil in your approach, it's a war of ideas there's plenty of fights to fight and wished them all the best.

Mr. Allen stated he enjoyed the transportation recap and the good news is that a local team one the football game on Friday between Sun Valley High School and Porter Ridge High School.

**CLOSED SESSION**

*None*

**ADJOURN**

Robert Allen made a motion to adjourn  
Council voted unanimously in favor of the motion.

**APPROVED:**

\_\_\_\_\_  
Michael L. Alvarez

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas  
**CC:** Marsha Sutton  
**DATE:** October 8, 2013  
**SUBJECT:** Budget Amendments for October 8<sup>th</sup> Meeting

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Please find attached budget amendments processed through September 30, 2013. Please feel free to call, email, come in or ask any questions you may have regarding these matters.





























**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-58.2**

**WHEREAS**, petition requesting noncontiguous annexation (Annexation #138) of an area described in said petition was received on the 8<sup>th</sup> day of October, 2013, by the Town Council; and

**WHEREAS**, N.C.G.S. Chapter 160A, Article 4A, Parts 1 and 4 provide that the sufficiency of the petition shall be investigated by the Town Clerk of the Town of Indian Trail, North Carolina before further annexation proceedings may take place; and

**WHEREAS**, the Town Council of the Town of Indian Trail, North Carolina deems it advisable to proceed in response to this request for annexation;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Indian Trail, North Carolina that:

The Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Town Council the result of the investigation.

\_\_\_\_\_  
Michael Alvarez, Mayor

ATTEST:

\_\_\_\_\_  
Peggy Piontek, Town Clerk



PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: August 19, 2013

To the Town Council of the Town of Indian Trail, North Carolina:

- 1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is CONTIGUOUS NON-CONTIGUOUS (CIRCLE ONE) to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES

(Copy of Deed or other source containing legal description of properties requesting annexation)

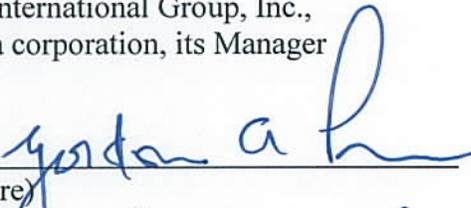
- 3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Indian Trail, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality than to the Town of Indian Trail, North Carolina.)

Table with 3 columns: NAME, ADDRESS (PRINT OR TYPE), SIGNATURE. Row 1: Walton North Carolina, LLC, a North Carolina limited liability company; c/o Walton Development & Management GA, LLC, 11535 Carmel Commons Blvd., Suite 102, Charlotte, NC 28226; SEE ATTACHED SIGNATURE PAGE. Rows 2-5 are blank lines for additional entries.

*Walton North Carolina, LLC's signature to Petition Requesting a Voluntary Annexation with the Town of Indian Trail dated August 19, 2013*

WALTON NORTH CAROLINA, LLC,  
a North Carolina limited liability company,  
on behalf of itself in its capacity as an Owner  
and on behalf of all other Owners in its capacity  
as Operator pursuant to that certain Declaration of  
Covenants, Conditions and Restrictions filed with  
the Union County, North Carolina Register of Deeds  
on June 28, 2012 in Book 05764, Pages 0535-0552

By: Walton International Group, Inc.,  
a Nevada corporation, its Manager

By:   
(Signature)

Gordon A. Price, Authorized Signatory  
Print Name and Title

8-19-2013  
(Date)

By:   
(Signature)

Wayne G. Souza, Authorized Signatory  
Print Name and Title

8-19-2013  
(Date)



## LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

THENCE, FROM THE POINT OF BEGINNING AND WITH THE THERON R. KELLEY PROPERTY THE FOLLOWING SIX (6) CALLS: (1) S 02° 21' 04" W FOR A DISTANCE OF 30.41 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 02° 21' 04" W FOR A DISTANCE OF 219.61 FEET TO A 1/2" EXISTING IRON PIN; (3) THENCE, S 87° 10' 16" E FOR A DISTANCE OF 43.51 FEET TO A 1/2" EXISTING IRON PIN; (4) THENCE, S 86° 37' 09" E FOR A DISTANCE OF 302.26 FEET TO A NAIL AT THE BASE OF A 1" EXISTING IRON PIPE; (5) THENCE, S 86° 57' 41" E FOR A DISTANCE OF 196.77 FEET TO A 2" EXISTING IRON PIPE; (6) THENCE, N 42° 35' 38" E FOR A DISTANCE OF 236.99 FEET TO A RAILROAD SPIKE IN THE CENTER OF POPLIN ROAD.

THENCE RUNNING WITHIN THE RIGHT-OF-WAY OF POPLIN ROAD S 82° 32' 31" E FOR A DISTANCE OF 442.02 FEET TO A 1" EXISTING IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S 83° 22' 11" E FOR A DISTANCE OF 92.33 FEET TO A 1/2" EXISTING IRON PIPE A CORNER OF BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE, S 30° 13' 21" W FOR A DISTANCE OF 166.46 FEET TO A 1" EXISTING IRON PIPE, LOCATED AT THE SOUTHWEST CORNER OF THE BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE WITH THE SOUTHERLY BOUNDARY OF THE MORRIS PROPERTY AND THE AFOREMENTIONED FRANKIE L. GREENE PROPERTY, S 56° 04' 13" E FOR A DISTANCE OF 538.90 FEET TO A 1-1/4" EXISTING IRON ROD WITHIN IN THE WESTERLY MARGIN OF THE RIGHT OF WAY OF ROCKY RIVER ROAD NORTH.

THENCE RUNNING WITHIN THE PUBLIC RIGHT OF WAY OF ROCKY RIVER ROAD NORTH THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 56° 05' 37" E A DISTANCE OF 21.14 FEET TO A POINT; (2) S 06° 28' 58" W A DISTANCE OF 604.20 FEET TO A POINT, AND (3) N 61° 03' 42" W FOR A DISTANCE OF 20.23 FEET TO A 1/2" EXISTING IRON REBAR, THE NORTHEASTERLY CORNER OF THE SCOTT P. DAVIS PROPERTY (BK. 3053, PG. 537);

THENCE WITH THE AFORESAID DAVIS PROPERTY AND CONTINUING WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD S 05° 45' 41" W FOR A DISTANCE OF 382.53 FEET TO AN EXISTING ANGLE IRON ON THE NORTHERN LINE OF THE JUSTIN M. JENKINS PROPERTY (BK. 5778, PG. 840).

THENCE WITH THE AFORESAID JUSTIN M. JENKINS PROPERTY THE FOLLOWING FOUR (4) CALLS: (1) N 85° 40' 24" W 323.25 FEET TO A ½" EXISTING IRON REBAR; (2) S 46° 45' 04" W FOR A DISTANCE OF 174.08 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE, S 12° 48' 40" W FOR A DISTANCE OF 166.45 FEET TO A ½" EXISTING IRON REBAR; (4) THENCE, S 75° 10' 56" E CROSSING A ½" NEW IRON REBAR AT 429.95 FEET FOR A TOTAL DISTANCE OF 488.10 FEET TO A POINT WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD; THENCE WITHIN SAID RIGHT OF WAY S 05° 48' 45" W A DISTANCE OF 169.56 FEET TO A POINT, THE NORTHEASTERN CORNER OF THE JOSEPH T. DEFLAVIS PROPERTY (BK. 4333, PG. 001).

THENCE, WITH THE JOSEPH T. DEFLAVIS PROPERTY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) N 84° 43' 26" W FOR A DISTANCE OF 34.67 FEET TO AN EXISTING ANGLE IRON; (2) THENCE, N 84° 43' 26" W FOR A DISTANCE OF 828.70 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE N 01° 55' 54" W FOR A DISTANCE OF 105.84 FEET TO A BENT EXISTING ANGLE IRON; (4) N 72° 35' 41" W CROSSING A ½" IRON REBAR AT A DISTANCE OF 178.34 FEET FOR A TOTAL DISTANCE OF 308.10 FEET TO A ¾" IRON ROD BEING IN A LINE OF THE ANDREW M. ALLEN PROPERTY (BK 4264, PG. 858) SAID POINT BEING A NORTHWESTERN CORNER OF THE RAYMOND HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE WITH THE ALLEN LINE N 01° 50' 31" E FOR A DISTANCE OF 362.33 FEET TO A 1-1/2" EXISTING IRON ROD AT THE SOUTHEAST CORNER OF THE DENNIS L. BAUCOM & SANDRA BAUCOM PROPERTY (BK. 260, PG. 488);

THENCE WITH THE BAUCOM LINE, N 01° 33' 27" E FOR A DISTANCE OF 236.55 FEET TO A ½" EXISTING IRON REBAR, THE SOUTHEASTERN CORNER OF THE DENNIS L. BAUCOM, JR. & BRANDY C. BAUCOM PROPERTY (BK. 4764, PG. 768);

THENCE, WITH THE AFORESAID BAUCOM PROPERTY THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) N 01° 31' 12" E FOR A DISTANCE OF 572.01 FEET TO A 5/8" EXISTING IRON REBAR; (2) S 88° 51' 54" W FOR A DISTANCE OF 167.79 FEET TO A 5/8" EXISTING IRON REBAR; (3) WITH A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43° 09' 48", HAVING A RADIUS OF 350.00 FEET, AND WHOSE LONG CHORD BEARS S 20° 23' 36" W FOR A DISTANCE OF 257.48 FEET TO A 5/8" EXISTING IRON REBAR; (4) THENCE, S 42° 00' 51" W FOR A DISTANCE OF 547.19 FEET TO A 5/8" EXISTING IRON REBAR; (5) THENCE, S 47° 59' 21" E FOR A DISTANCE OF 188.79 FEET TO A 5/8" EXISTING IRON REBAR BEING THE NORTHWESTERLY CORNER OF THE DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620).

THENCE, WITH THE AFORESAID DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620) THE FOLLOWING THREE (3) CALLS: (1) S 44° 25' 25" W FOR A DISTANCE OF 383.69 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, S 31° 36' 35" E FOR A DISTANCE OF 197.79 FEET TO A 1/2" EXISTING IRON REBAR; (3) THENCE, N 58°

05' 55" E FOR A DISTANCE OF 366.82 FEET TO A 1/2" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE ANDREW M. ALLEN PROPERTY (BK. 4264, PG. 658).

THENCE, WITH THE AFORESAID ANDREW M. ALLEN PROPERTY THE FOLLOWING TWO (2) CALLS: (1) S 28° 04' 05" E FOR A DISTANCE OF 335.11 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 88° 08' 36" E FOR A DISTANCE OF 141.11 FEET TO A 5/8" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE RAYMOND L. HARTIS PROPERTY (BK. 1590, PG. 138).

THENCE, WITH THE AFORESAID RAYMOND HARTIS PROPERTY S 01° 48' 04" W FOR A DISTANCE OF 744.33 FEET TO A NAIL FOUND AT THE BASE OF AN ANGLE IRON, A CORNER OF THE RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10).

THENCE WITH THE AFORESAID RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10) THE FOLLOWING TWO (2) CALLS: (1) N 76° 55' 19" W A DISTANCE OF 1026.98 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, S 30° 11' 35" W FOR A DISTANCE OF 805.30 FEET TO A 3/4" EXISTING IRON PIPE ON THE LINE OF THE THOMAS F. BROCK PROPERTY.

THENCE, WITH THE AFORESAID THOMAS F. BROCK PROPERTY N 51° 33' 15" W FOR A DISTANCE OF 423.07 FEET TO AN EXISTING AXLE BEING THE NORTHEASTERLY CORNER OF THE BRANDON M HELMS PROPERTY (BK. 1563, PG. 126).

THENCE, WITH THE BRANDON M. HELMS PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 51° 19' 10" W FOR A DISTANCE OF 674.30 FEET TO A 3/4" EXISTING IRON REBAR; (2) THENCE, N 51° 18' 41" W FOR A DISTANCE OF 446.56 FEET TO A 1/2" EXISTING IRON REBAR BEING THE NORTHEASTERLY CORNER OF THE STEPHEN T. JAMES PROPERTY (BK. 1563, PG.133).

THENCE WITH THE AFORESAID STEPHEN T. JAMES PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 50° 59' 28" W FOR A DISTANCE OF 43.04 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, N 51° 21' 14" W FOR A DISTANCE OF 256.41 FEET TO A 1" EXISTING IRON REBAR BEING THE SOUTHEASTERLY CORNER OF THE UNION COUNTY BOARD OF EDUCATION PROPERTY (BK. 4788, PG. 137).

THENCE, WITH THE AFORESAID UNION COUNTY BOARD OF EDUCATION PROPERTY N 40° 41' 19" E FOR A DISTANCE OF 706.61 FEET TO A 1" EXISTING IRON REBAR, A CORNER OF THE LEE REVOCABLE LIVING TRUST PROPERTY (BK. 5563, PG. 565).

THENCE, WITH THE LEE REVOCABLE LIVING TRUST PROPERTY THE FOLLOWING THREE (3) CALLS: (1) S 66° 21' 19" E FOR A DISTANCE OF 501.66 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, N 44° 01' 34" E FOR A

DISTANCE OF 651.00 FEET TO A 30" OAK TREE; (3) THENCE, N 45° 41' 22" E FOR A DISTANCE OF 1221.43 FEET TO AN EXISTING AXLE NEAR A CREEK, BEING A CORNER OF THE JP MORGAN CHASE BANK PROPERTY (BK. 5602, PG. 599) AND THE MARGARET T. PRICE PROPERTY (BK. 223, PG. 602).

THENCE, WITH THE AFORESAID MARGARET T. PRICE PROPERTY THE FOLLOWING TEN (10) CALLS: (1) N 03° 38' 59" E FOR A DISTANCE OF 197.73 FEET TO AN EXISTING AXLE; (2) THENCE, N 75° 39' 13" E FOR A DISTANCE OF 47.05 FEET TO A POINT IN A CREEK; (3) THENCE, N 69° 51' 49" E FOR A DISTANCE OF 16.39 FEET TO A POINT IN A CREEK; (4) THENCE, N 30° 44' 05" E FOR A DISTANCE OF 22.10 FEET TO A POINT IN A CREEK; (5) THENCE, N 32° 56' 25" W FOR A DISTANCE OF 47.09 FEET TO A POINT IN A CREEK; (6) THENCE, N 10° 15' 19" E FOR A DISTANCE OF 88.26 FEET TO A POINT IN A CREEK; (7) THENCE, N 30° 45' 03" E FOR A DISTANCE OF 28.87 FEET TO A POINT IN A CREEK; (8) THENCE, N 45° 28' 09" E FOR A DISTANCE OF 75.54 FEET TO A POINT IN A CREEK; (9) THENCE, N 17° 34' 58" E FOR A DISTANCE OF 17.37 FEET TO A 1/2" EXISTING IRON REBAR; (10) THENCE, N 10° 46' 56" E FOR A DISTANCE OF 16.31 FEET TO AN EXISTING MAG NAIL IN AT OR NEAR THE CENTERLINE OF POPLIN ROAD.

THENCE, WITH POPLIN ROAD N 78° 12' 52" W FOR A DISTANCE OF 189.38 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 140.837 ACRES MORE OR LESS AS SHOWN ON AN ANNEXATION MAP PREPARED BY EAGLE ENGINEERING, INC. (RUSSELL L. WHITEHURST, PLS) AND DATED AUGUST 15, 2013.

**CERTIFICATE OF SUFFICIENCY**  
**ANNEXATION PETITION #138**

**To the Town Council of the Town of Indian Trail, North Carolina:**

I, Peggy S. Piontek, Town Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Indian Trail, North Carolina, this the 8<sup>th</sup> day of October, 2013.

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Peggy S. Piontek, Town Clerk



## PETITION REQUESTING A VOLUNTARY ANNEXATION

Date: August 19, 2013

To the Town Council of the Town of Indian Trail, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is CONTIGUOUS NON-CONTIGUOUS (CIRCLE ONE) to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

**SEE ATTACHED DESCRIPTION OF BOUNDARIES**

(Copy of Deed or other source containing legal description of properties requesting annexation)

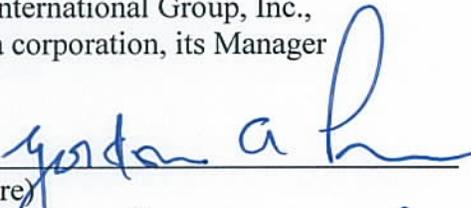
3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Indian Trail, North Carolina (and in relation to the primary corporate limits of another municipality if substantial question of whether the area is closer to another municipality than to the Town of Indian Trail, North Carolina.)

NAME	ADDRESS (PRINT OR TYPE)	SIGNATURE
1. Walton North Carolina, LLC, a North Carolina limited liability company	c/o Walton Development & Management GA, LLC, 11535 Carmel Commons Blvd., Suite 102, Charlotte, NC 28226	SEE ATTACHED SIGNATURE PAGE
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

*Walton North Carolina, LLC's signature to Petition Requesting a Voluntary Annexation with the Town of Indian Trail dated August 19, 2013*

WALTON NORTH CAROLINA, LLC,  
a North Carolina limited liability company,  
on behalf of itself in its capacity as an Owner  
and on behalf of all other Owners in its capacity  
as Operator pursuant to that certain Declaration of  
Covenants, Conditions and Restrictions filed with  
the Union County, North Carolina Register of Deeds  
on June 28, 2012 in Book 05764, Pages 0535-0552

By: Walton International Group, Inc.,  
a Nevada corporation, its Manager

By:   
(Signature)

Gordon A. Price, Authorized Signatory  
Print Name and Title

8-19-2013  
(Date)

By:   
(Signature)

Wayne G. Souza, Authorized Signatory  
Print Name and Title

8-19-2013  
(Date)



## LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

THENCE, FROM THE POINT OF BEGINNING AND WITH THE THERON R. KELLEY PROPERTY THE FOLLOWING SIX (6) CALLS: (1) S 02° 21' 04" W FOR A DISTANCE OF 30.41 FEET TO A 5/8" EXISTING IRON REBAR; (2) THENCE, S 02° 21' 04" W FOR A DISTANCE OF 219.61 FEET TO A 1/2" EXISTING IRON PIN; (3) THENCE, S 87° 10' 16" E FOR A DISTANCE OF 43.51 FEET TO A 1/2" EXISTING IRON PIN; (4) THENCE, S 86° 37' 09" E FOR A DISTANCE OF 302.26 FEET TO A NAIL AT THE BASE OF A 1" EXISTING IRON PIPE; (5) THENCE, S 86° 57' 41" E FOR A DISTANCE OF 196.77 FEET TO A 2" EXISTING IRON PIPE; (6) THENCE, N 42° 35' 38" E FOR A DISTANCE OF 236.99 FEET TO A RAILROAD SPIKE IN THE CENTER OF POPLIN ROAD.

THENCE RUNNING WITHIN THE RIGHT-OF-WAY OF POPLIN ROAD S 82° 32' 31" E FOR A DISTANCE OF 442.02 FEET TO A 1" EXISTING IRON REBAR; THENCE LEAVING SAID RIGHT-OF-WAY S 83° 22' 11" E FOR A DISTANCE OF 92.33 FEET TO A 1/2" EXISTING IRON PIPE A CORNER OF BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE, S 30° 13' 21" W FOR A DISTANCE OF 166.46 FEET TO A 1" EXISTING IRON PIPE, LOCATED AT THE SOUTHWEST CORNER OF THE BEN L. & AMY G. MORRIS PROPERTY (BK. 1207, PG. 828).

THENCE WITH THE SOUTHERLY BOUNDARY OF THE MORRIS PROPERTY AND THE AFOREMENTIONED FRANKIE L. GREENE PROPERTY, S 56° 04' 13" E FOR A DISTANCE OF 538.90 FEET TO A 1-1/4" EXISTING IRON ROD WITHIN IN THE WESTERLY MARGIN OF THE RIGHT OF WAY OF ROCKY RIVER ROAD NORTH.

THENCE RUNNING WITHIN THE PUBLIC RIGHT OF WAY OF ROCKY RIVER ROAD NORTH THE FOLLOWING THREE (3) COURSES AND DISTANCES: (1) S 56° 05' 37" E A DISTANCE OF 21.14 FEET TO A POINT; (2) S 06° 28' 58" W A DISTANCE OF 604.20 FEET TO A POINT, AND (3) N 61° 03' 42" W FOR A DISTANCE OF 20.23 FEET TO A 1/2" EXISTING IRON REBAR, THE NORTHEASTERLY CORNER OF THE SCOTT P. DAVIS PROPERTY (BK. 3053, PG. 537);

THENCE WITH THE AFORESAID DAVIS PROPERTY AND CONTINUING WITHIN THE RIGHT OF WAY OF ROCKY RIVER ROAD S 05° 45' 41" W FOR A DISTANCE OF 382.53 FEET TO AN EXISTING ANGLE IRON ON THE NORTHERN LINE OF THE JUSTIN M. JENKINS PROPERTY (BK. 5778, PG. 840).

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THENCE, WITH THE JOSEPH T. DEFLAVIS PROPERTY THE FOLLOWING FOUR (4) COURSES AND DISTANCES: (1) N 84° 43' 26" W FOR A DISTANCE OF 34.67 FEET TO AN EXISTING ANGLE IRON; (2) THENCE, N 84° 43' 26" W FOR A DISTANCE OF 828.70 FEET TO A ½" EXISTING IRON REBAR; (3) THENCE N 01° 55' 54" W FOR A DISTANCE OF 105.84 FEET TO A BENT EXISTING ANGLE IRON; (4) N 72° 35' 41" W CROSSING A ½" IRON REBAR AT A DISTANCE OF 178.34 FEET FOR A TOTAL DISTANCE OF 308.10 FEET TO A ¾" IRON ROD BEING IN A LINE OF THE ANDREW M. ALLEN PROPERTY (BK 4264, PG. 858) SAID POINT BEING A NORTHWESTERN CORNER OF THE RAYMOND HARTIS PROPERTY (BK. 1590, PG. 138).

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THENCE WITH THE BAUCOM LINE, N 01° 33' 27" E FOR A DISTANCE OF 236.55 FEET TO A ½" EXISTING IRON REBAR, THE SOUTHEASTERN CORNER OF THE DENNIS L. BAUCOM, JR. & BRANDY C. BAUCOM PROPERTY (BK. 4764, PG. 768);

THENCE, WITH THE AFORESAID BAUCOM PROPERTY THE FOLLOWING FIVE (5) COURSES AND DISTANCES: (1) N 01° 31' 12" E FOR A DISTANCE OF 572.01 FEET TO A 5/8" EXISTING IRON REBAR; (2) S 88° 51' 54" W FOR A DISTANCE OF 167.79 FEET TO A 5/8" EXISTING IRON REBAR; (3) WITH A NON-TANGENTIAL CURVE, SAID CURVE TURNING TO THE RIGHT THROUGH AN ANGLE OF 43° 09' 48", HAVING A RADIUS OF 350.00 FEET, AND WHOSE LONG CHORD BEARS S 20° 23' 36" W FOR A DISTANCE OF 257.48 FEET TO A 5/8" EXISTING IRON REBAR; (4) THENCE, S 42° 00' 51" W FOR A DISTANCE OF 547.19 FEET TO A 5/8" EXISTING IRON REBAR; (5) THENCE, S 47° 59' 21" E FOR A DISTANCE OF 188.79 FEET TO A 5/8" EXISTING IRON REBAR BEING THE NORTHWESTERLY CORNER OF THE DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620).

THENCE, WITH THE AFORESAID DENNIS L. BAUCOM PROPERTY (BK. 3765, PG. 620) THE FOLLOWING THREE (3) CALLS: (1) S 44° 25' 25" W FOR A DISTANCE OF 383.69 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, S 31° 36' 35" E FOR A DISTANCE OF 197.79 FEET TO A 1/2" EXISTING IRON REBAR; (3) THENCE, N 58°

05' 55" E FOR A DISTANCE OF 366.82 FEET TO A 1/2" EXISTING IRON REBAR ON THE WESTERLY LINE OF THE ANDREW M. ALLEN PROPERTY (BK. 4264, PG. 658).

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THENCE, WITH THE AFORESAID RAYMOND HARTIS PROPERTY S 01° 48' 04" W FOR A DISTANCE OF 744.33 FEET TO A NAIL FOUND AT THE BASE OF AN ANGLE IRON, A CORNER OF THE RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10).

THENCE WITH THE AFORESAID RAYMOND L. HARTIS PROPERTY (BK. 191, PG. 10) THE FOLLOWING TWO (2) CALLS: (1) N 76° 55' 19" W A DISTANCE OF 1026.98 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, S 30° 11' 35" W FOR A DISTANCE OF 805.30 FEET TO A 3/4" EXISTING IRON PIPE ON THE LINE OF THE THOMAS F. BROCK PROPERTY.

THENCE, WITH THE AFORESAID THOMAS F. BROCK PROPERTY N 51° 33' 15" W FOR A DISTANCE OF 423.07 FEET TO AN EXISTING AXLE BEING THE NORTHEASTERLY CORNER OF THE BRANDON M HELMS PROPERTY (BK. 1563, PG. 126).

THENCE, WITH THE BRANDON M. HELMS PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 51° 19' 10" W FOR A DISTANCE OF 674.30 FEET TO A 3/4" EXISTING IRON REBAR; (2) THENCE, N 51° 18' 41" W FOR A DISTANCE OF 446.56 FEET TO A 1/2" EXISTING IRON REBAR BEING THE NORTHEASTERLY CORNER OF THE STEPHEN T. JAMES PROPERTY (BK. 1563, PG.133).

THENCE WITH THE AFORESAID STEPHEN T. JAMES PROPERTY THE FOLLOWING TWO (2) CALLS: (1) N 50° 59' 28" W FOR A DISTANCE OF 43.04 FEET TO A 1/2" EXISTING IRON REBAR; (2) THENCE, N 51° 21' 14" W FOR A DISTANCE OF 256.41 FEET TO A 1" EXISTING IRON REBAR BEING THE SOUTHEASTERLY CORNER OF THE UNION COUNTY BOARD OF EDUCATION PROPERTY (BK. 4788, PG. 137).

THENCE, WITH THE AFORESAID UNION COUNTY BOARD OF EDUCATION PROPERTY N 40° 41' 19" E FOR A DISTANCE OF 706.61 FEET TO A 1" EXISTING IRON REBAR, A CORNER OF THE LEE REVOCABLE LIVING TRUST PROPERTY (BK. 5563, PG. 565).

THENCE, WITH THE LEE REVOCABLE LIVING TRUST PROPERTY THE FOLLOWING THREE (3) CALLS: (1) S 66° 21' 19" E FOR A DISTANCE OF 501.66 FEET TO A 3/4" EXISTING IRON PIPE; (2) THENCE, N 44° 01' 34" E FOR A

DISTANCE OF 651.00 FEET TO A 30" OAK TREE; (3) THENCE, N 45° 41' 22" E FOR A DISTANCE OF 1221.43 FEET TO AN EXISTING AXLE NEAR A CREEK, BEING A CORNER OF THE JP MORGAN CHASE BANK PROPERTY (BK. 5602, PG. 599) AND THE MARGARET T. PRICE PROPERTY (BK. 223, PG. 602).

THENCE, WITH THE AFORESAID MARGARET T. PRICE PROPERTY THE FOLLOWING TEN (10) CALLS: (1) N 03° 38' 59" E FOR A DISTANCE OF 197.73 FEET TO AN EXISTING AXLE; (2) THENCE, N 75° 39' 13" E FOR A DISTANCE OF 47.05 FEET TO A POINT IN A CREEK; (3) THENCE, N 69° 51' 49" E FOR A DISTANCE OF 16.39 FEET TO A POINT IN A CREEK; (4) THENCE, N 30° 44' 05" E FOR A DISTANCE OF 22.10 FEET TO A POINT IN A CREEK; (5) THENCE, N 32° 56' 25" W FOR A DISTANCE OF 47.09 FEET TO A POINT IN A CREEK; (6) THENCE, N 10° 15' 19" E FOR A DISTANCE OF 88.26 FEET TO A POINT IN A CREEK; (7) THENCE, N 30° 45' 03" E FOR A DISTANCE OF 28.87 FEET TO A POINT IN A CREEK; (8) THENCE, N 45° 28' 09" E FOR A DISTANCE OF 75.54 FEET TO A POINT IN A CREEK; (9) THENCE, N 17° 34' 58" E FOR A DISTANCE OF 17.37 FEET TO A 1/2" EXISTING IRON REBAR; (10) THENCE, N 10° 46' 56" E FOR A DISTANCE OF 16.31 FEET TO AN EXISTING MAG NAIL IN AT OR NEAR THE CENTERLINE OF POPLIN ROAD.

THENCE, WITH POPLIN ROAD N 78° 12' 52" W FOR A DISTANCE OF 189.38 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 140.837 ACRES MORE OR LESS AS SHOWN ON AN ANNEXATION MAP PREPARED BY EAGLE ENGINEERING, INC. (RUSSELL L. WHITEHURST, PLS) AND DATED AUGUST 15, 2013.

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

**WHEREAS**, petition requesting annexation of the areas described herein have been received; and

**WHEREAS**, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

**WHEREAS**, certification by the Town Clerk as to the sufficiency of the petition has been made;

**NOW, THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at Town of Indian Trail Civic Building at 6:30 P.M. on the 12<sup>nd</sup> day of November, 2013.

Section 2. The area proposed for annexation is described as follows:

**See Attached Metes and Bounds- Annexation 138**

Section 3. Notice of the public hearing shall be published in a newspaper having general circulation in the Town of Indian Trail, North Carolina, at least ten (10) days prior to the date of the public hearing.

\_\_\_\_\_  
Michael L. Alvarez, Mayor

ATTEST:

\_\_\_\_\_  
Peggy S. Piontek, Town Clerk



## LEGAL DESCRIPTION

BEGINNING AT AN EXISTING RAILROAD SPIKE LOCATED IN THE CENTER OF POPLIN ROAD AND BEING THE NORTHWESTERLY CORNER OF THE THERON R. KELLEY PROPERTY (BK. 4909, PG. 767). SAID RAILROAD SPIKE HAVING NORTH CAROLINA GRID COORDINATES OF N: 491,417.96; E: 1,524,174.39 (NAD 83/2007).

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## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: October 8, 2013

SUBJECT: Spanish Moss Road Public Hearing

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#### **General Information:**

In accordance with the Traffic Calming Policy adopted by Town Council on April 10, 2012, a Public Hearing is required for citizen input on a recommended traffic calming proposal.

#### **Required Actions:**

Council approval of a Public Hearing to be held on November 12, 2013 for Spanish Moss Road.



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** October 8, 2013

**SUBJECT:** Crooked Creek Park at Indian Trail Construction

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At the Town Council's request, Woolpert bid out the proposed project for Crooked Creek Park at Indian Trail. The Town received the bids and is processing the bid tabulations. Staff will send the finalized bid tabulations when they are complete. Please feel free to contact me with any questions.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** October 8, 2013

**SUBJECT:** Chestnut Parkway Extension Bid Approval

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Town Council gave direction to staff to prepare a design and bid for the extension of the Chestnut Parkway into US-74. Staff has received those bids, and are reviewing the bid tabulations, and will provide to the Town Council when the review is completed. Please feel free to contact me with any questions.

jaf



**TO:** Mayor and Town Council

**FROM:** Joseph A. Fivas, Town Manager

**DATE:** October 8, 2013

**SUBJECT:** Change Order for JD Goodrum Contract

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During the bid process, the Town competitively bid as an alternate bid the landscaping needed for Chestnut Parkway and the new connecting streets in the Chestnut Parkway Extension bid. Staff also allowed JD Goodrum, the approved contractor for the Chestnut Square contract to give the town a change order bid on this work. Town staff is reviewing the information and will present the Council with a proposal after the information is reviewed.

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## Town of Indian Trail

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### Memo

TO: Mayor and Town Council

FROM: Scott J. Kaufhold, P.E., Director of Engineering and Public Works

COUNCIL DATE: October 8, 2013

SUBJECT: Traffic Calming Policy Revisions

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#### **General Information:**

At the last Town Council meeting, staff discussed possible recommended changes to the Neighborhood Traffic Calming Policy. This policy would go into effect October 9, 2013. Any application submitted prior to this date will be considered under the previous policy.

#### **Required Actions:**

1. Council Approval of Policy Revisions

#### **Attachments:**

1. Neighborhood Traffic Calming Policy

# NEIGHBORHOOD TRAFFIC CALMING POLICY



*Adopted by Town Council on April 10, 2012*  
*Amended October 8, 2013*



## Neighborhood Traffic Calming Policy

**This policy goes into effect on October 9, 2013. Any application submitted prior to this date will be considered under the previous policy.**

**Traffic Calming** is the combination of physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for both motorized and non-motorized street users.

### **Traffic calming objectives include:**

- Achieving speeds for motor vehicles that are reasonable for a neighborhood setting
- Increasing the safety and the perception of safety for non-motorized users of the street(s)
- Reducing collision frequency and severity
- Reducing the need for police enforcement

The Town of Indian Trail continually strives to strengthen and protect its neighborhoods by improving the quality of life in residential areas. Speeding traffic on residential streets creates safety hazards and can greatly affect neighborhood livability. When traffic problems become a daily occurrence, our sense of community and personal well-being are threatened. The Town is committed to balancing the needs of the citizens with the operational and mobility needs of the Town's road system while giving those who live and work in the project area the opportunity to become actively involved in the planning and decision making process.

The Town of Indian Trail's *Neighborhood Traffic Calming Policy* was developed to guide Town Engineering Staff and inform residents about the processes and procedures for implementing traffic calming on residential streets. Under this policy, the Town Engineering Department will work with a Neighborhood Representative at their initiation, to identify traffic problems in their neighborhood and engineer appropriate solutions. A neighborhood representative must be a Home Owners Association (HOA) member and endorsed by the HOA by official letter; or in neighborhoods without an HOA, have the support of 3 other households (must provide names, address, and signatures of supporting household representatives).

This Policy incorporates **Education, Enforcement, and Engineering** into resolving traffic issues in neighborhoods. Residents can actively participate through neighborhood committees providing education and awareness of the issues and solutions available. Increased education, enforcement through spot speed checks, and increased police visibility effectively cause self-enforcement of speed regulations. Finally, where increased education and law enforcement have not reduced speeds, engineering measures (speed reduction through physical means) may be explored.

**What Streets will be addressed under this Policy?**

Two types of streets are addressed under this policy, Residential Local and Residential Collector.

- Residential Local service streets make up the majority of Indian Trail’s street system. These streets serve local circulation needs for motor vehicle, bicycle, and pedestrian traffic and primarily provide access to residences and on occasion, businesses.
- Residential Collector streets are more difficult to define. Collector streets provide access between local service streets or from local service streets to thoroughfares. To be considered under this Policy, a collector street must have direct access to residences (i.e. driveways).

**Neighborhood Awareness Campaign**

Many people exceed the posted speed limit in their own neighborhoods. “Speeders” are not always nonresidents – most are neighbors and friends who are committed to safe, peaceful neighborhoods. Nevertheless speeding in residential areas is a bad habit, and it takes a unified effort to help break it. That’s why neighborhood activity is so important. Neighbors should remind neighbors to pay attention to their driving habits and of their mutual responsibility to the residents living in the community. HOA’s and residents can take it upon themselves to use several creative methods of reducing traffic problems in neighborhoods:

- Hold discussions at scheduled neighborhood meetings
- Write letters to local newspapers or neighborhood/community newsletters letting drivers know the threat posed by speeding on our sense of community and wellbeing
- Hold a “slow down” block party to get people to think about their driving habits
- Groups of residents can walk the neighborhood with door hangers and talk to neighbors about neighborhood traffic safety
- Leave the cars at home. Encourage family and friends to ride bicycles, or walk to the destinations. This will reduce the traffic volume and speeding in the neighborhood. In addition, the presence of people (not just people in cars) along the street reminds drivers that they are in a neighborhood, not on an interstate highway.

These are just a few examples of ideas to assist residents in the education and enforcement of neighborhood traffic problems. It is the responsibility of the neighborhood representative to begin this process and to keep the Town Engineering Staff apprised of the methods that are being employed.

**Procedure for initiating a neighborhood traffic study:**

1. A Neighborhood Representative (as defined above) should contact the Town of Indian Trail Engineering Department at 704-821-1314 or submit a request form to request Traffic Calming. The form for such a request is attached or can be downloaded and submitted electronically from the Town of Indian Trail ~~website: CLICK HERE. Each~~website. Each request will be electronically filed and the status can be tracked on the Town webpage.
2. Staff will meet with the Neighborhood Representative to discuss the process that will be followed. Staff will determine the affected area of the traffic calming devices.-
3. Staff collects and analyzes data related to the traffic issues identified and presents the findings to the representative. This process is typically completed within 60 days of the start of data collection, depending on the traffic calming request backlog. During the data collection and analysis period, it will be the responsibility of the representative to meet the petition requirements. The Town recommends the representative initiate a minimum of three tasks from the Neighborhood Awareness Campaign. This campaign is entirely the responsibility of the HOA or neighborhood; no Town funds will be used.
4. If warrants for traffic calming measures are not met, traffic calming devices will not be considered under this policy. The street will not be eligible for re-evaluation for a period of 1 year. If the criteria for traffic calming measures are met, then *Type 1* options will be initiated. These are as follows:

**Type 1 Options**

- Request increased police presence
  - Evaluate traffic control signage and regulatory signage to ensure minimum requirements are met
  - Installation of temporary driver feedback signage (Radar)
5. A follow-up data collection survey and analysis will be conducted within 90 days after *Type 1* options are implemented. If *Type 1* options are ineffective at controlling the undesired traffic conditions, then *Type 2* options will be examined. A description of device types can be found in Appendix A.

**Type 2 Options**

- Center Island Narrowing
- Chicane
- Choker
- Speed Cushion
- Speed Hump/Table
- Traffic Circle
- Pavement Striping for lane narrowing purposes (Center line, Edge line, etc.)
- Multiway STOP (~~if w~~arranted, ref MUTCD Section 2B.07)
- Other methods approved by Staff

6. If applicable, Town Staff will engineer a recommended traffic calming plan using *Type 2* options. The staff recommended plan will be presented to the Town Council and a public hearing will be advertised and scheduled to take citizen input. At a subsequent Town Council meeting, the Town Council will vote to approve, deny, or modify the plan.

**Traffic Calming Warrants**

To qualify for traffic calming in the Town of Indian Trail, the following warrants must be met:

- The street must be classified as a Town maintained two-lane Residential Local or Residential Collector street
- The street cannot be designated as a primary emergency response route, transit route, or classified as a Thoroughfare
- The street cannot be more than two travel lanes wide and must be less than or equal to 40 feet
- 15 % of the traffic on the street exceeds the posted speed limit by more than ~~5~~8 mph, as determined by the field analysis
- The street's speed limit must be posted at 25 mph or less
- Average annual daily traffic volume that is greater than 500 vehicles per day (vpd) but less than 2,500 vpd
- 60% of affected property owners must be in favor of traffic calming measures
- The Neighborhood Representative must provide proof of participation in the Neighborhood Awareness Campaign (Minimum of three tasks)
- There must be a minimum of 6 months between requests being considered from individual neighborhoods

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**Implementation, Evaluation, and Funding**

The Town of Indian Trail will be solely responsible for engineering and implementing traffic calming devices that are deemed warranted by the field study. Town Staff will present findings to the Town Council and the Neighborhood Representative. All *Type 1* nonphysical traffic calming recommendations will be implemented by Town Staff. *Type 2* option plans will be implemented as funds are made available and require Town Council review and approval. Traffic calming measures are funded through an appropriation determined by the Town Council.

The Town will fund up to 4 traffic calming devices per request. If additional devices are requested, they can be funded through a special assessment district or directly from an HOA.

**Re-evaluation and Monitoring**

Town Staff will review the effectiveness of each measure after implementation. If the measures prove to be ineffective or should traffic conditions change, Town Staff can recommend removal of the devices. The Town Council must approve any recommendation to remove installed devices.

# Appendix A: Description of Traffic Calming Devices

(Courtesy of Institute of Transportation Engineers)

## **Center Island Narrowing**

### **Description:**

- raised islands located along the centerline of a street that narrow the travel lanes at that location
- sometimes called midblock medians, median slow points, or median chokers

### **Applications:**

- are often nicely landscaped to provide visual amenity and neighborhood identity
- can help pedestrianize streets by providing a mid-point refuge for pedestrians crossings
- sometimes used on wide streets to narrow travel lanes
- work well when combined with crosswalks



### **Potential Impacts:**

- may reduce parking and driveway access
- reduces pedestrian crossing width
- may visually enhance the street through landscaping but may also limit visibility of pedestrian crossings
- bicyclists prefer not to have the travel way narrowed into path of motor vehicles
- collision, speed and volume data are not available

### **Emergency Response Issues:**

- preferred by fire department/emergency response agencies to most other traffic calming measures

## **Chicanes**

### **Description:**

- a series of narrowings or curb extensions that alternate from one side of the street to the other forming S-shaped curves
- also called deviations, serpentine, reversing curves, twists, and staggering

### **Applications:**

- appropriate for midblock locations only
- most effective with equivalent volumes on both approaches
- typically, is a series of at least three curb extensions
- can use on-street parking to create chicane



### **Design/Installation Issues:**

- unless well-designed, chicanes may still permit speeding by drivers cutting straight paths across the center line
- European manuals recommend shifts in alignment of at least one lane width, deflection angles of at least 45 degrees, and center islands to prevent drivers from taking a straight "racing line" through the feature

### **Potential Impacts:**

- no effect on access
- limited data available on their effect on speed, volume, and collisions
- street sweeping may need to be done manually
- can impact parking and driveway access
- provides opportunity for landscaping

### **Emergency Response Issues:**

- limited data available on their effect on delay to emergency response
- emergency response typically prefer two-lane chicanes to speed humps

## **Chokers**

### **Description:**

- curb extensions at midblock or intersection corners that narrow a street by extending the sidewalk or widening the planting strip
- can leave the cross section with two narrow lanes or with a single lane
- at midblock, sometimes called parallel chokers, angled chokers, twisted chokers, angle points, pinch points, or midblock narrowings
- at intersections, sometimes called neckdowns, bulbouts, knuckles, or corner bulges
- if marked as a crosswalk, they are also called safe crosses

### **Applications:**

- local and collector streets pedestrian crossings
- main roads through small communities
- work well with speed humps, speed tables, raised intersections, textured
- crosswalks, curb radius reductions, and raised median islands



### **Design/Installation Issues:**

- some applications use an island which allows drainage and bicyclists to continue between the choker and the original curb line
- typically designed to narrow road to 20 feet for two-way traffic; typically avoid the use of widths between 13 and 17 feet
- adequate drainage is a key consideration
- provides opportunity for landscaping
- vertical delineators, bollards or object markers are often used to make visible to snowplow operators

**Potential Impacts:**

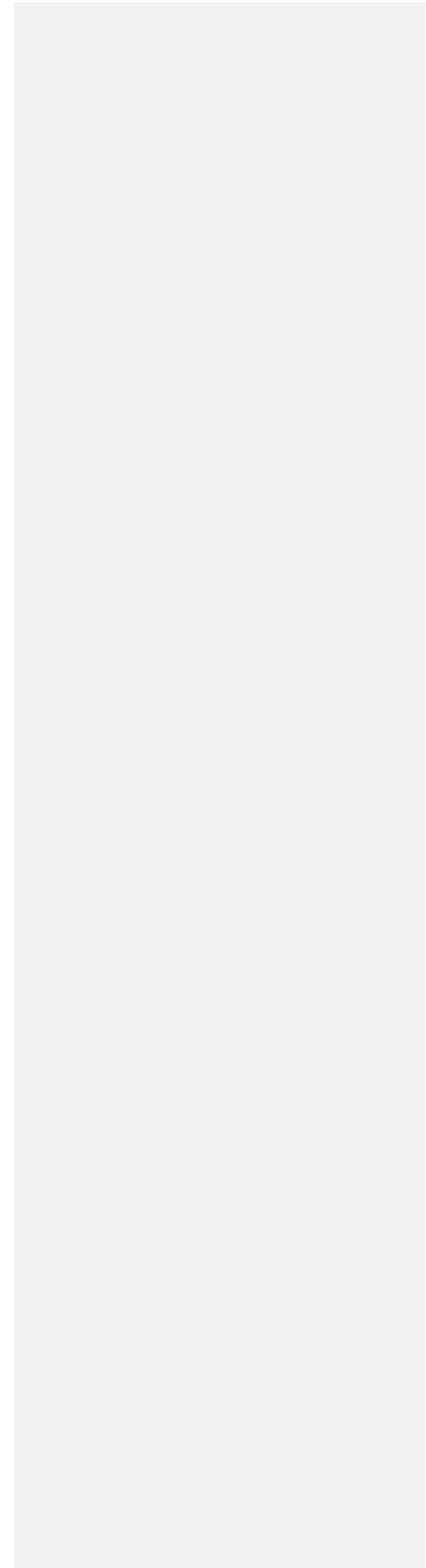
- can impact parking and driveway access
- reduces pedestrian crossing width and increases visibility of pedestrian
- speeds have typically been reduced on average by 4 percent for two-lane chokers and 14 percent for one lane chokers
- minor decrease in traffic for two-lane and 20 percent reduction for one-lane chokers
- collision data not available
- bicyclists prefer not to have the travel way narrowed into path of motor vehicles

**Emergency Response Issues:**

- preferred by many fire department/emergency response agencies to most other traffic calming measures

**Other/Special Considerations:**

- one-lane chokers rely on regulatory signs and driver courtesy to work



## **Speed Cushion**

### **Description:**

- modular units; either pre-manufactured or constructed with asphalt
- sometimes called speed pods

### **Applications:**

- local and collector streets
- designed to allow wider wheel-based vehicles (emergency vehicles) to straddle and pass with minimal delay



### **Design/Installation Issues:**

- typically 6.5 feet X 6.5 feet in size
- most common height is 3 inches
- pre-manufactured unit shall be installed on roads with adequate pavement
- structure to allow for anchoring
- number of pods determined by street width

### **Potential Impacts:**

- no effect on access
- traffic volumes have been reduced on average by 15-25 percent depending on alternative routes
- pods require the driver to slow below posted speed to have comfortable ride
- cyclist travel is unimpeded

### **Emergency Response Issues:**

- generally less than 2 seconds of delay per hump for fire trucks

## Speed Tables

### Description:

- long raised speed tables with a flat section in the middle and ramps on the ends; sometimes constructed with brick or other textured materials on the flat section
- sometimes called flat top speed humps, trapezoidal humps, speed platforms, raised crosswalks, or raised crossings

### Applications:

- local and collector streets
- main roads through small communities
- typically long enough for the entire wheelbase of a passenger car to rest on top
- work well in combination with textured crosswalks, curb extensions, and curb radius reductions
- can include a crosswalk



### Design/Installation Issues:

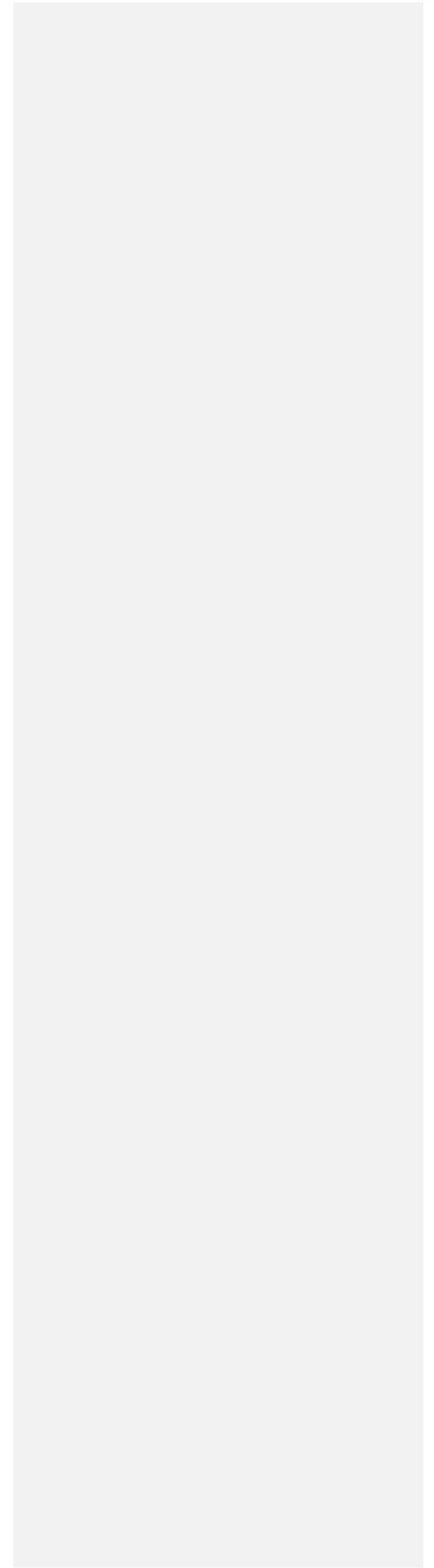
- typically 22 feet in the direction of travel with 6 foot ramps on each end and a 10 foot flat section in the middle; other lengths (32 and 48 feet) reported in U.S. practice
- most common height is between 3 and 4 inches (and reported as high as 6 inches)
- ramps are typically 6 feet long (reported up to 10 feet long) and are either parabolic or linear careful design is needed for drainage

**Potential Impacts:**

- no effect on access
- speeds are reduced, but usually to a higher crossing speed than at speed bumps (typically between 25 and 27 miles per hour)
- traffic volumes have been reduced on average by 12 percent depending on alternative routes available
- collisions have been reduced on average by 45 percent on treated streets (not adjusted for traffic diversion)
- reported to increase pedestrian visibility and likelihood that driver yields to pedestrian
- adverse impact on transit/service vehicles and cyclists

**Emergency Response Issues:**

- typically preferred by fire departments over 12 to 14-foot speed humps
- generally less than 3 seconds of delay per hump for fire trucks



## **Traffic Circles**

### **Description:**

- raised islands, placed in intersections, around which traffic circulates
- motorists yield to motorists already in the intersection
- require drivers to slow to a speed that allows them to comfortably maneuver around them
- sometimes called intersection islands
- different from roundabouts

### **Applications:**

- intersections of local or collector streets
- one lane each direction entering intersection
- not typically used at intersections with high volume of large trucks and buses turning left



### **Design/Installation Issues:**

- typically circular in shape, though not always
- usually landscaped in their center islands
- often controlled by YIELD signs on all approaches
- key design features are the offset distance (distance between projection of street curb and center island), lane width for circling the circle, the circle diameter, and height of mountable outer ring for large vehicles such as school buses and trash trucks

### **Potential Impacts:**

- no effect on access
- reduction in midblock speed of about 10 percent; area of influence tends to be a couple hundred feet upstream and downstream of intersection
- only minimal diversion of traffic

- intersection collisions have been reduced on average by 70 percent and overall collisions by 28 percent
- can result in bicycle/auto conflicts at intersections because of narrowed travel lane

**Emergency Response Issues:**

- emergency vehicles typically slow to approximately 13 mph; approximate delay of between 5 and 8 seconds per circle for fire trucks
- fire trucks can maneuver around traffic circles at slow speeds provided vehicles are not parked near the circle

**Other/Special Considerations:**

- large vehicles may need to turn left in front of the circle (which could be unsafe at higher volumes); legislation may be required to legally permit this movement
- quality of landscaping and its maintenance are key issues
- landscaping needs to be designed to allow adequate sight distance
- care must be taken to avoid routing vehicles through unmarked crosswalks on sidestreet approach



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas, Town Manager  
**DATE:** October 8, 2013  
**SUBJECT:** Approval of Woolpert consulting for PARTF Grant

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At the last Council meeting, the Town Council directed staff to begin the PARTF grant process. Woolpert is submitting a scope agreement to assist staff in the grant development process. Staff is finalizing this agreement with Woolpert, which will be under \$8,000, and will distribute to Council when it is finalized.

Staff will also give an update on the grant scope and what amenities staff will recommend. If the Council approves the scope, we will begin our public participation elements of the grant agreement.

jaf

## Town of Indian Trail

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# Memo

**TO:** Mayor and Town Council

**FROM:** Joseph Fivas, Town Manager

**DATE:** 10/3/201

**SUBJECT:** Parks Tree, & Greenway Committee Duties



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Discussions were initiated with the Parks, Tree & Greenway Committee on October 2, 2013, regarding the possibility of changes and/or expansion of the duties and responsibilities of the committee. I would like to further discuss the issue with Council for direction.



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas, Town Manager  
**DATE:** October 8, 2013  
**SUBJECT:** Update on Bell Tower Proposal

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As discussed at the last Council meeting, the Indian Trail Arts & Historical Association requested to discuss options for a Bell Tower placed on Town property across from the railroad on Indian Trail Road. Staff will give a brief update after we met with this organization.



**TO:** Mayor and Town Council  
**FROM:** Joe Fivas, Town Manager  
**DATE:** October 8, 2013  
**SUBJECT:** Formation of Monroe Bypass Support Coalition

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Several Council members and residents have asked what options the Town has to support the future construction of the Monroe Bypass. If the Council would like to support NCDOT's efforts you could be a leader in the formation of a Monroe Bypass Support Coalition.

At the October 22nd Council meeting, the Mayor and Town Council can request Union County Chamber of Commerce, Charlotte Chamber of Commerce, Indian Trail Business Association, and Monroe-Union County Economic Development organizations to give presentations to the Council on why the Monroe Bypass is needed for future jobs, future economic success, and traffic congestion mitigation of Union County, the Charlotte region, and the town of Indian Trail. The Council could also suggest also inviting NCDOT and our state legislators.

Then, the Town can work with these partners, and other partners on developing next steps.

The Council will be asked to give staff direction on this topic.

