



August 5, 2024

Dear Mr. Sullivan:

Old North State Water Company, Inc. would like to relinquish the buffer waiver approved shown in Exhibit A to this letter. Once relinquished, Old North State Water, Inc. will not retain any legal rights to the waiver and would like to see it terminated in its entirety. Please let me know if you have any questions or concerns. Thank you.

Sincerely,



John L. McDonald  
President

Old North State Water Company, Inc.  
3212 6<sup>th</sup> Avenue South, Suite 200  
Birmingham, AL 35222

# Exhibit A

**ORDER OF THE BOARD OF COMMISSIONERS  
OF CHATHAM COUNTY  
APPROVING WAIVER TO ALLOW FEARRINGTON UTILITY EASEMENT WITHIN  
SD-EAST 300' BUFFER**

**WHEREAS**, Section 9.2 of the Compact Communities Ordinance ("CCO") sets out various buffer requirements within a compact community, including a 100' Perimeter Buffer;

**WHEREAS**, the approved Master Plan for the Briar Chapel Compact Community includes a 300' Perimeter Buffer ("300' Buffer") along the eastern perimeter of the SD-East Section of the Briar Chapel commercial area;

**WHEREAS**, Section 15 also authorizes the Commissioners to adjust, modify, reduce or waive requirements of the CCO under certain circumstances;

**WHEREAS**, Old North State Water Company, its successors and assigns, ("ONSWC"), the wastewater utility serving Briar Chapel, along with the consent of NNP-Briar Chapel, LLC ("NNP"), has requested the Commissioners to allow a 30' utility easement within the 300' Buffer in order to allow wastewater utility lines to efficiently interconnect the Briar Chapel and Fearington wastewater facilities along a route generally as depicted on the attachment;

**WHEREAS**, property owners have all consented to the requested easement, along with the Fearington Homeowners Association, NNP and Fitch Creations (developer of Fearington Village);

**WHEREAS**, the routing and design of the easement through the 300' Buffer has been carefully designed so as to minimize or prevent sight lines between Fearington Village and the SD East commercial site;

**WHEREAS**, this request is reasonable under the circumstances;

**WHEREAS**, the Board of Commissioners has determined that the impact of the Briar Chapel Compact Community is adequately mitigated by community design or topography;

**WHEREAS**, based upon the facts and circumstances considered by the Board of Commissioners and the language and intent of the CCO, the Board of Commissioners has concluded to grant the requested waiver as set out in the letter to the Board dated July 30, 2019 and its attachments, and that the requirements for granting the request, pursuant to Section 15 of the Compact Communities Ordinance, have been met; and

**WHEREAS**, it appears to the Board of Commissioners, and the Board of Commissioners hereby finds, that the waiver requested by ONSWC, consented to by NNP, is reasonable under the facts and circumstances and should be granted;


**NOW, THEREFORE, BE IT ORDERED** by the Board of Commissioners of Chatham County:

1. The recitals set forth above are incorporated in this Order.
2. The request to approve the waiver as requested in the letter of July 30, 2019 and its attachments, is hereby granted.
3. To the extent an adjustment, modification, reduction or waiver under Section 15 of the Compact Communities Ordinance is required in order to effectuate this resolution, the same is hereby granted;
4. No waiver or consent except those set forth in this Order is granted.

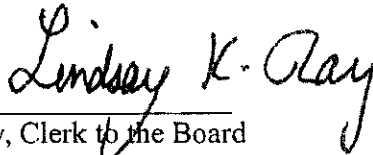
Adopted this the 19 day of August, 2019.

CHATHAM COUNTY BOARD OF COMMISSIONERS

By:

  
\_\_\_\_\_  
Mike Dasher, Chair

ATTEST:



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Lindsay Ray, Clerk to the Board  
Chatham County Board of Commissioners

