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MEMORANDUM

Date: August 10, 2015

To: W. Scott Stoudenmire, AICP
Assistant Director of Sustainable Development

From: RICHARD G. COKER, JR.
rgcoker@coker-feiner.com

Re: American Top Team (“ATT”) Underground Utility Waiver

This is a supplemental memorandum in support of American Top Team Underground Utility Waiver application. The City staff memo correctly and fairly explains the situation with the recommendation that the owner contribute into the City underground fund an amount equal to the average per square foot cost of installing offsite underground lines along S.R. 7. This results in a total contribution by ATT of \$116,603.00.

As indicated in the staff report, the ATT development is a 3.58 acre portion of a larger 7.7 acre platted parcel. A portion of the larger parcel is developed as a hotel and the balance is a common drainage area. The ATT portion of the property is the only parcel with frontage on the S.R. 7 Frontage Road with the overhead lines and accordingly the only portion of the property that, under the code, is required to address this code section.

The City Code allows the City to grant a waiver from the requirement of placing underground those utility lines within adjacent public rights of way. The City may require the developer to contribute to the City an amount equal to the cost of placing the adjacent utilities underground. However, this is not an absolute requirement and, as I read the code, the City has flexibility to equitably adjust any requirement. In this situation, because the ATT parcel is only a portion of a larger site it is fair that ATT pay such a large contribution simply because the ATT parcel has the road frontage. This is similar to a special assessment based on front footage that may be adjusted based upon equitable considerations.

Since the ATT development parcel is 3.58 acres of a 7.7 acre site (46.50%), it would be fair and equitable to reduce ATT’s contribution to \$54,220.00 which is 46.5% of the \$116,603.00 cost. The owner is requesting that the waiver be approved with a contribution of \$54,220.00 into the City’s underground utility fund. Thank you for your consideration of this request.