

Policy Assessment / Status Report – Banks Pointe Subdivision

The County's Water, Sewer, and Road Financial Policy, adopted on April 6, 2015, provides key questions to help guide staff in assessing the community's petition request. The following policy questions are applied to the Banks Pointe petition request:

Extent of Problem		Assessment/Status
1.	Are the roadways located in the unincorporated areas of Wake County?	Yes
2.	Are the roadways designated as public on a recorded subdivision plat at the Wake County Register of Deeds?	Yes
3.	Do the roadways meet NCDOT's minimum requirement of homes occupied to enter the State Highway maintained roadway system? (4 occupied homes per 0.2 mile)	Yes
4.	Has it been determined that the condition of the roadways is a public safety hazard?	Not an imminent public safety hazard
5.	Does the County have a financial guarantee posted by the developer?	No
6.	Is the right of way free of illegal encroachments?	No. Some illegal encroachments exist like landscaping, lawn bollards, etc...
Alternate Solutions		
7.	Is the developer unable or unwilling to repair the roads and turn them over to the State Highway maintained roadway system?	Yes. The developer is bankrupt and unable to address the situation
8.	Has it been determined if it is possible to hold the developer financially liable for the costs to repair the roads and turn them over to the State Highway maintained roadway system?	Yes. The developer is bankrupt and unable to address the situation
9.	Is there a demonstrated inability of the property owner to pay for the solution, or any assessment charged? (i.e. loan denials, limited household income)?	Yes. The HOA has attempted to secure loans but been denied
10.	If the County has a financial guarantee posted by the developer, is the amount adequate to pay for the repairs?	No Financial Guarantee for this development
Infrastructure Assessment, Cost, and Involvement		
11.	Has NCDOT conducted a punch list of the deficient roadway items in the last 60 days?	Yes. NCDOT was consulted in preparation of the engineer's cost

		estimate
12.	Has a licensed engineer prepared cost estimates to repair the roads based on the NCDOT punch list?	Yes. The estimate was prepared by one of the County's consulting engineer
13.	Have County funds been identified that could be used in this situation?	Yes
14.	Have 75% of the owners of the properties that will have access (frontage) to the roadway(s), AND be assessed for roadway repair costs, signed a petition approved by Wake County? (NCGS 153A-205 requires minimum 75%)	Yes. 76.4% of property owner representing 78.5% of the roadway lineal frontage have submitted petitions