

Sun Journal

Pamlico sends letter to explain fee refund rejection

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2010-01-08 15:38:37



BAYBORO — Pamlico County has sent a letter to attorneys for the failed Cutter Bay subdivision outlining why county commissioners rejected a request for nearly \$3 million in water impact fee refunds.

Commissioners voted unanimously earlier this week to deny a refund request for fees paid in 2007 that obligated the county to provide water capacity for the planned subdivision of nearly 900 homes.

County attorney Jimmie Hicks officially notified Cutter Bay attorney Robin Tatum Currin of the Pamlico board's decision in a letter dated Wednesday.

The letter said the developers were 18 months too late in seeking a refund.

The fees — \$2,960,200 — were paid to the county in August 2007, three months after the county policy for fees was passed.

The policy gives planned subdivision developers six months after a state water permit is issued to seek a refund.

“The North Carolina Department of Environment and Natural Resources (DENR) approved your client's plans in December of 2007,” the letter said. “The county's Capital Reserve (Impact) Fee Policy, at all relevant times, provides that in the event DENR approves submitted water plans, Capital Reserve Fees are refundable only if a written request is made within six months from the date of such approval.”

According to the policy, RR Development's deadline for the request expired in June 2008.

Commissioners went into a closed session with Hicks during this week's meeting at which they rejected the request, doing so, according to Chairman Paul Delamar III, in the event that the developers are not satisfied with the rejection and sue the county.

Currin declined comment on the matter when reached in Raleigh earlier this week.

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