

THE BROUGH LAW FIRM, PLLC

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March 27, 2015

**VIA FIRST CLASS MAIL and
TO pm@gunnmessick.com**

Paul S. Messick, Jr.
Gunn & Messick, LLP
90 W. Salisbury Street
Pittsboro, NC 27312

Re: Chatham Park Development; Highway 64 Overpass/Interchange;
Demand For Stop Work Order

Dear Paul:

I am writing to you in your capacity as Pittsboro Town Attorney rather than directly to the Pittsboro Town Manager or Planning Director because we are currently in litigation and you represent the Town. I would ask that you immediately forward this letter to Mr. Gruesbeck and Mr. Bass, as the issue is very time sensitive.

As you may recall, I wrote to Stuart Bass (and copied you) in late October 2014 (copy enclosed) expressing concern about the commencement of work on the highway infrastructure, particularly the Highway 64 overpass, in the Chatham Park area. I never received any response. Now, work is proceeding at a rapid pace, even though the developer has not obtained permits or approvals required by the Town's Zoning Ordinance and/or the Chatham Park Master Plan.

Therefore, we demand that appropriate Town of Pittsboro authorities immediately investigate the status of the work, and issue appropriate "Stop Work" orders until such time as all requirements of the Zoning Ordinance and all conditions of the Chatham Park Master Plan approval have been satisfied, including but not limited to the approval of a development agreement between the Town and the Chatham Park developer. Should the Town fail to respond to our demand by Monday, April 6, 2015, then we are prepared to ask the Court to intervene, and to issue an injunction to stop the work until such time as

the legal issues about compliance of the work with the Master Plan (and, I would add, the validity of the Master Plan itself) are resolved.

The work we now observe being done is clearly part of the road network proposed by the Chatham Park developer as part of the Chatham Master Plan. The work is "development" as that term is defined in your Zoning Ordinance and is subject to all the conditions of the Chatham Park Master Plan. The Master Plan requires the Town to establish a "Development Review Committee" for Chatham Park (see Section X. "Additional Provisions", paragraph 7), and all applications for development within Chatham Park MUST be submitted to and reviewed by that Committee; to the best of our knowledge that has not happened yet with respect to the highway construction work. The Chatham Park Master Plan also includes terms and conditions specific to transportation, including a requirement that the developer submit a Master Transit Plan (see, Master Plan Section VIII. "Additional Elements", paragraph 9; Section X. "Additional Provisions", paragraph 1(i)). But perhaps most importantly, the Master Plan as most recently approved (which approval as you know is now the subject of litigation in Chatham County Superior Court), limits the extent of development that can be done without the approval of a "development agreement"; there has been no such agreement made between the Town and the developer to date. (See, Section X. "Additional Provisions", paragraph 2 -- which requires the developer "to submit for consideration by the Town a Development Agreement in accordance with [N.C. Gen. Stat.] 160A-400.20."). Therefore, based on this fact alone, the work now being done in Chatham Park violates the conditions of the Chatham Park Master Plan approval.

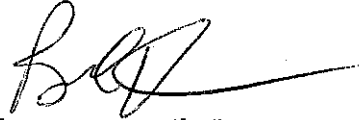
Moreover, over the course of the nearly two years that the Chatham Park Master Plan has been publicly reviewed, revised, and deliberated on by the Town Board, the public and my clients have repeatedly been assured that the unprecedented flexibility that the approved Chatham Park Master Plan grants to Chatham Park Investors should not be of concern because every single aspect of this proposed development -- including detailed infrastructure plans and small area plans -- would have to be submitted to the Town as part of detailed site plans, subject to public hearings and staff review and approved by the Town Board. This building of the proposed US 64 bypass and parkway connected to the proposed Northern Village violates those assurances and raises serious questions about the Town's ability and willingness to enforce the terms of the PDD Master Plans.

Please provide a written response to this letter on or before April 6, 2015. If you determine, as we believe you must given the facts and the language of the Master Plan, that the work now underway is being done in violation of the conditions of the Master Plan, then it is your duty to issue a "Stop Work" order until the conditions of the Master Plan approval are satisfied. If you fail to do so, then my clients will consider their options, including seeking relief in the form of an injunction or mandamus to compel you to perform your duties.

Thank you.

Very truly yours,

THE BROUGH LAW FIRM

A handwritten signature in black ink, appearing to read 'REH', with a long horizontal line extending to the right.

Robert E. Hornik, Jr.

REHjr:las

cc: Pittsboro Matters, Inc.
North Carolina Department of Transportation (jloftin@ncdot.gov)
Chatham County Board of Commissioners
Charles Horne, Chatham County Manager
Jep Rose, Chatham County Attorney

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October 29, 2014

Mr. Stuart Bass
Planning Director
Town of Pittsboro
Post Office Box 759
Pittsboro, NC 27312-0759

Re: Chatham Park Development; Highway 64 Overpass/Interchange;
Status and Process

Dear Mr. Bass:

As you may be aware, this Firm represents Pittsboro Matters, Inc. and various individuals with respect to their concerns about the Chatham Park Planned Development District ("Chatham Park"). In recent weeks, we have become aware that the developer of Chatham Park has indicated its intention to commence construction of an interchange/overpass over the U.S. Highway 64 Bypass in the general area shown on "Map 4 Highways" attached to the Chatham Park Master Plan as the intersection of the U.S. Highway 64 Bypass and the "New North South Connection." In telephone conversations I have had with North Carolina Department of Transportation representatives, they indicated that the overpass/interchange plans have been approved by that Department.

Please accept this letter as an inquiry on behalf of my clients regarding the status of the Town of Pittsboro's review and approval of that overpass/interchange construction.

According to the information available to me regarding Chatham Park and the current Town of Pittsboro Zoning Ordinance, the overpass/interchange is located within the Town's Major Transportation Corridor District, an overlay district established by Article XIV of the Zoning Ordinance. According to Zoning Ordinance Section 14.3(e), the Major Transportation Corridor District extends 1,250 feet from the right-of-way boundary of both sides of U.S. Highway 64 Bypass, and from its intersection with U.S. 64-Business west of Pittsboro, eastwardly to its intersection of U.S. Business 64 east of Pittsboro. So, this new overpass/interchange certainly lies within the boundaries of the overlay district.

Pursuant to Zoning Ordinance Section 14.4, no development or site improvement activity can occur within the overlay district until approval of a site plan for the property by the Town of

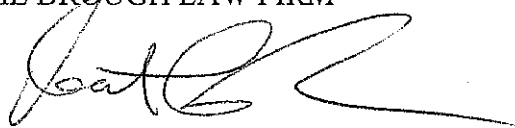
Pittsboro. The construction of the road and the overpass structure constitute "development activity" within the Major Transportation Corridor District, and would require the Town's prior approval before work can begin.

We respectfully request your formal, written interpretation/determination regarding whether the Town of Pittsboro considers the construction of the proposed Chatham Park U.S. Highway 64 Bypass interchange/overpass to be a development requiring site plan approval. We also request written notification concerning whether an application has been received by the Town for that construction, and whether (or when) approval has been, or is, granted by the Town.

Thank you.

Very truly yours,

THE BROUGH LAW FIRM



Robert E. Hornik, Jr.

REHjr:las

cc: Paul Messick, Town Attorney
Pittsboro Matters, Inc.