CITY OF NEW BERN BOARD OF ALDERMEN MEETING JUNE 26, 2018 – 6:00 P.M. CITY HALL COURTROOM 300 POLLOCK STREET

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Odham. Pledge of Allegiance.
- 2. Roll Call.

Consent Agenda

- 3. Consider Approving a Proclamation for Alyson Sheedy, National Special Olympics Participant.
- 4. Approve Minutes.

- 5. Presentation on Kidsville status.
- 6. Consider Adopting a Resolution in Support of Changing the Alfred Cunningham Memorial Bridge Schedule.
- 7. Consider Adopting a Resolution Approving Easements and Agreements for Entry for the First Street Road Diet.
- 8. Consider Adopting a Resolution Approving a Revision to the Purchasing Policy.
- 9. Consider Adopting a Resolution Authorizing the City to Engage in Electronic Payments as Defined by NCGS §159-28.
- 10. Consider Adopting an Amendment to the Grant Project Ordinance for the City Market Workforce Development Training Center Grant Project Fund.
- 11. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse the City Market Workforce Development Training Center Grant Project Fund.
- 12. Consider Adopting an Amendment to the Grant Project Ordinance for the MSD Improvements Project Fund.
- 13. Consider Adopting a Budget Ordinance Amendment for the Fiscal Year 2017-18 Operating Budget.
- 14. Appointment(s).
- 15. Attorney's Report.
- 16. City Manager's Report.

- 17. New Business.
- 18. Closed Session.
- 19. Adjourn.

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000 Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memo to: Mayor and Board of Aldermen

From: Mark A. Stephens, City Manager

Date: June 21, 2018

Re: June 26, 2018 Agenda Explanations

- 1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Odham. Pledge of Allegiance.
- 2. Roll Call.

Consent Agenda

3. Consider Approving a Proclamation for Alyson Sheedy, National Special Olympics Participant.

Alyson Sheedy is the only resident of Craven County to have been selected to compete on North Carolina's Special Olympic's Team at the national level. In July, Aly will travel to the USA Special Olympic games to be held in Seattle, Washington to participate in the swim category.

4. Approve Minutes.

Revised minutes from the May 22, 2018 meeting as well as minutes from the June 10, 2018 meeting are provided for review and approval.

5. Presentation on Kidsville status.

Foster Hughes, Director of Parks and Recreation, will share the results of the auditor's report and recommendations for Kidsville.

6. Consider Adopting a Resolution in Support of Changing the Alfred Cunningham Memorial Bridge Schedule.

(Ward 1) This item was on the June 12, 2018 agenda after citizens and merchants expressed concerns about the Alfred Cunningham drawbridge schedule. The current schedule allows the bridge to open at will or on demand two to three times per hour. This not only creates traffic congestion, but it is also an inconvenience to motorists, local residents and businesses in and around downtown. At the June 12th meeting, after input from a citizen and discussion by the Board, it was the consensus to modify the proposed resolution to basically follow the current bridge schedule with modifications to allow for opening on the hour and half hour except during peak traffic times in the morning and afternoon. The revised resolution will be provided under separate cover.

7. Consider Adopting a Resolution Approving Easements and Agreements for Entry for the First Street Road Diet.

(Wards 1 and 3) In preparation of work for the First Street road diet, the Department of Transportation is seeking four permanent utility easements and a temporary construction easement from the City. In exchange, the City will receive a total compensation of approximately \$31,325. These easements are necessary to facilitate the planned changes along that corridor.

8. Consider Adopting a Resolution Approving a Revision to the Purchasing Policy.

A purchasing policy was adopted by the Board on September 25, 2012 and updated on March 28, 2017 and December 12, 2017. An additional revision is needed to provide for a new requirement from the federal government. Language has been added to indicate federal purchasing requirements will be followed when federal funds such as FEMA and grant monies are utilized. A memo from J.R. Sabatelli, Director of Finance, is attached.

9. Consider Adopting a Resolution Authorizing the City to Engage in Electronic Payments as Defined by NCGS §159-28.

The General Assembly modified statute 159-28(d2) to allow the Local Government Commission ("LGC") to adopt rules to address the execution of the pre-audit and disbursement process related to local government electronic transactions. The new rules were effective on November 1, 2017, and on March 12, 2018, the LGC provided guidance regarding implementation of the rules. The rules allow for exemptions related to P-cards, electronic fund transfers, automated clearing house ("ACH") transactions, gas cards, etc. The proposed resolution is the first step in complying with the requirements of the administrative code. A memo from Mr. Sabatelli is attached.

10. Consider Adopting an Amendment to the Grant Project Ordinance for the City Market – Workforce Development Training Center Grant Project Fund.

The City Market – Workforce Development Training Center Grant Project Fund was established by ordinance on August 9, 2016. The project fund has been amended on occasion to include grant funds from the EDA, Bate Foundation, Golden Leaf, and a contribution from Craven 100 Alliance. On May 22, 2017, the Board approved a resolution authorizing the Manager to sign a contract with Bruin Builders in the amount of \$2,310,000. An additional \$619,407 is needed to fund this contract, which will be provided through debt proceeds. However, the Development Services staff continues to seek funding from other sources. Any additional funding received will change the City's contribution and may preclude the need for financing. Of note, the City will utilize in-house inspections as an in-kind contribution toward the project. A memo from Mr. Sabatelli is attached.

11. Consider Adopting a Resolution Approving a Declaration of Intent to Reimburse the City Market – Workforce Development Training Center Grant Project Fund.

This item relates to the previous item for the City Market – Workforce Development Training Center Grant Project Fund. As required by IRS regulations, a declaration of intent to reimburse needs to be adopted prior to or within 60 days of payment of expenditures that will be reimbursed through financing. A memo from Mr. Sabatelli is attached.

12. Consider Adopting an Amendment to the Grant Project Ordinance for the MSD Improvements Project Fund.

An ordinance to establish the MSD Improvements Project Fund was adopted on May 10, 2016. The project provided for streetscape improvements to the 200 block of Hancock and 400 block of Pollock Streets. The project was budgeted at \$800,000. It is now complete and came in at \$50,641 under budget. The amendment recognizes \$82 in interest income and transfers the residual equity of \$50,723 to the MSD Fund. A memo from Mr. Sabatelli is attached.

13. Consider Adopting a Budget Ordinance Amendment for the Fiscal Year 2017-18 Operating Budget.

The final budget ordinance for FY2017-18 ensures all projected expenditures have sufficient funds, and it realigns revenues to equal the appropriations. With regard to the General Fund, amendments are made to acknowledge additional costs for Solid Waste, Fire, Public Buildings, and Parks and Grounds. It also redistributes funds within the various divisions of Parks and Recreations and from Information Technology and increases estimated revenues for solid waste and PILOT transfers from the utility funds. Electric, Water and Sewer Funds are amended to meet the actual PILOT due, and the Electric Fund is also amended to redistribute funds within its various divisions. The Water and Sewer Funds are amended to allocate the estimated system development fees to the respective Capital Reserve Funds, and

the Capital Reserve Funds are adjusted to recognize this increase. Finally, the Employees' Benefit Insurance Fund is amended to cover additional costs associated with health and workers' compensation claims. A memo from Mr. Sabatelli is attached.

14. Appointment(s).

- (a) On May 22, 2018, Alderman Kinsey appointed John Leys to fill the seat previously held by Nancy Gray on the Historic Preservation Commission. Mr. Leys is unable to accept the appointment, and Alderman Kinsey is asked to make a new appointment. The appointee will serve a three-year term.
- (b) The first tenure of the Community Development Advisory Committee ("CDAC") is coming to an end, and the members' terms will expire on June 30, 2018. Appointments or reappointments have been made for all wards except Ward 5. Alderman Best is asked to consider reappointing Dell Simmons or make a new appointment.
- (c) Phil Childrey's appointment to the Police Civil Service Board will expire on June 30, 2018. Appointees are not allowed to serve consecutive terms; therefore, a new appointment is needed. Alderman Bengel is asked to make an appointment to fill this upcoming vacancy.
- (d) Richard Parson's first term on the Board of Adjustment will expire on June 30, 2018. Mr. Parsons is eligible to serve an additional three-year term, and staff recommends his reappointment as he has served with distinction and dedication. Alderman Bengel is asked to consider this reappointment or alternatively a new appointment.
- (e) Benjamin Beasley's second term on the Board of Adjustment will expire on June 30, 2018. He is ineligible to serve more than two consecutive terms. Alderman Kinsey is asked to make an appointment to fill this seat, which is a three-year term.
- 15. Attorney's Report.
- 16. City Manager's Report.
- 17. New Business.
- 18. Closed Session.
- 19. Adjourn.



WHEREAS.

Special Olympics is the world's largest sports organization for children and adults with intellectual disabilities, providing year-round training and competitions to 5 million athletes and United States Sports partners in 172 countries; and

WHEREAS,

Alyson Sheedy has participated in Special Olympics for approximately 12 years, including summer competitions held annually in Raleigh. She has trained and competed at a high level in the sports of swimming, bocce, and bowling. She has won several medals, most recently winning the gold medal for her division of bocce in the State's 2017 Fall Games. She was also previously bestowed the Athlete of the Year Award by The Arc; and

WHEREAS,

Aly's most recent accomplishment came in the form of an announcement that she was chosen to be on the North Carolina Special Olympics Team and compete in the national 2018 Special Olympics USA Games in Seattle, Washington. The USA games will be held in July, and Aly will participate in the swimming competition. As a member of the team, she was chosen to be a health ambassador to promote proper diet and exercise; and

WHEREAS,

Aly is the first athlete from Craven County ever chosen to be on the North Carolina Special Olympics Team.

NOW THEREFORE, I, Dana E. Outlaw, Mayor of the City of New Bern, on behalf of the New Bern Board of Aldermen, do hereby proclaim Alyson Sheedy is a

DISTINGUISHED SPECIAL OLYMPICS ATHLETE

and I encourage all of our citizens to support and cheer for Aly in the 2018 Special Olympics USA Games. Aly you are already a winner to us!

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of New Bern this 26th day of June in the Year of Our Lord Two Thousand and Eighteen.

DANA E. OUTLAW, MAYOR

City Hall - New Bern, North Carolina 28563 - (252) 636-4000

RESOLUTION TO REQUEST AND SUPPORT REVISIONS TO THE SCHEDULE OF OPERATIONS OF THE ALFRED CUNNINGHAM BRIDGE

THAT WHEREAS, the North Carolina Department of Transportation ("DOT") owns, maintains and operates the Alfred Cunningham Memorial Bridge ("Bridge"), a drawbridge located in New Bern, North Carolina ("City") that spans the Trent River; and

WHEREAS, the Bridge currently operates on the following schedule:

The Alfred Cunningham Memorial Bridge over the Trent River shall OPEN ON DEMAND EXCEPT FOR THE FOLLOWING:

- 1. Morning: Monday through Friday The draw shall remain closed for pleasure vessels from 6:30 a.m. to 8:30 a.m., except the draw shall open at 7:30 a.m. for any pleasure vessel awaiting passage.
- 2. Afternoon: Monday through Friday The draw shall remain closed for pleasure vessels from 4:00 p.m. to 6:00 p.m., except the draw shall open at 5:00 p.m. for any pleasure vessel awaiting passage.
- 3. Summer Season: From May 24 through September 8, the draw shall remain closed on Sundays and federal holidays from 2:00 p.m. to 7:00 p.m. for pleasure vessels, except the draw shall open on the hour and the half hour for any vessels awaiting passage.
- 4. The draw shall open upon request at all times for public vessels of the United States, vessels for public safety, commercial vessels, tugs with or without barges, and all vessels in distress.

WHEREAS, the current schedule creates traffic congestion during morning and evening commutes into and out of the City's downtown business district; and

WHEREAS, the current schedule further complicates vehicular traffic in that it provides for the Bridge to open "on demand"; and

WHEREAS, the Board of Aldermen of the City of New Bern desires to create more certainty for vehicular traffic and pleasure vessels by requesting the removal of the "on demand" Bridge opening request policy for pleasure vessels, and substitute in its stead a regular, fixed Bridge opening schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

THAT the Board of Aldermen of the City of New Bern hereby requests that the Alfred Cunningham Memorial Bridge Schedule of Operations be revised as follows:

The Alfred Cunningham Memorial Bridge over the Trent River shall open on the following schedule:

- 1. The draw shall open on the hour and the half hour from 6:00 a.m. to 10:00 p.m. for any pleasure vessels awaiting passage, except as provided in the Weekday and Nighttime schedules.
- 2. Weekdays: Monday through Friday The draw shall remain closed for pleasure vessels from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m.
- 3. Nightime: The draw opens on signal from 10:00 p.m. to 6:00 a.m.
- 4. The draw shall open upon request at all times for public vessels of the United States, vessels for public safety, commercial vessels, tugs with or without barges, and all vessels in distress.

ADOPTED THIS 26th DAY OF JUNE, 2018.

RESOLUTION TO REQUEST AND SUPPORT REVISIONS TO THE SCHEDULE OF OPERATIONS OF THE ALFRED CUNNINGHAM BRIDGE

THAT WHEREAS, the North Carolina Department of Transportation ("DOT") owns, maintains and operates the Alfred Cunningham Memorial Bridge ("Bridge"), a drawbridge located in New Bern, North Carolina ("City") that spans the Trent River ("Bridge"); and

WHEREAS, the Bridge currently operates on the following schedule:

The Alfred Cunningham Memorial Bridge over the Trent River shall OPEN ON DEMAND EXCEPT FOR THE FOLLOWING:

- 1. Morning: Monday through Friday The draw shall remain closed for pleasure vessels from 6:30 a.m. to 8:30 a.m., except the draw shall open at 7:30 a.m. for any pleasure vessel awaiting passage.
- 2. Afternoon: Monday through Friday The draw shall remain closed for pleasure vessels from 4:00 p.m. to 6:00 p.m., except the draw shall open at 5:00 p.m. for any pleasure vessel awaiting passage.
- 3. Summer Season: From May 24 through September 8, the draw shall remain closed on Sundays and federal holidays from 2:00 p.m. to 7:00 p.m. for pleasure vessels, except the draw shall open on the hour and the half hour for any vessels awaiting passage.
- 4. The draw shall open upon request at all times for public vessels of the United States, vessels for public safety, commercial vessels, tugs with or without barges, and all vessels in distress.

WHEREAS, the current schedule creates traffic congestion during morning and evening commutes into and out of the City's downtown business district; and

WHEREAS, the current schedule further complicates vehicular traffic in that it provides for the Bridge to open "on demand"; and

WHEREAS, the Board of Aldermen of the City of New Bern desires to create more certainty for vehicular traffic and pleasure vessels by requesting the removal of the "on demand" Bridge opening request policy for pleasure vessels, and substitute in its stead a regular, fixed Bridge opening schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

THAT the Board of Aldermen of the City of New Bern hereby requests that the Alfred Cunningham Memorial Bridge Schedule of Operations be revised as follows:

The Alfred Cunningham Memorial Bridge over the Trent River shall OPEN ON DEMAND EXCEPT FOR THE FOLLOWING open on the following schedule:

- 31. Summer Season: From May 24 through September 8, the draw shall remain closed on Sundays and federal holidays from 2:00 p.m. to 7:00 p.m. for pleasure vessels, except tThe draw shall open on the hour and the half hour from 6:00 a.m. to 10:00 p.m. for any pleasure vessels awaiting passage, except as provided in the Weekday and Nighttime schedules.
- 42. MorningWeekdays: Monday through Friday The draw shall remain closed for pleasure vessels from 6:30 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 6:00 p.m. except the draw shall open at 7:30 a.m. for any pleasure vessel awaiting passage.
- 23. AfternoonNightime: Monday through Friday The draw shall remain closed for pleasure vessels from 4:00 p.m. to 6:00 p.m. except the draw shall open at 5:00 p.m. for any pleasure vessel awaiting passage. The draw opens on signal from 10:00 p.m. to 6:00 a.m.
- 4. The draw shall open upon request at all times for public vessels of the United States, vessels for public safety, commercial vessels, tugs with or without barges, and all vessels in distress.

ADOPTED THIS 26th DAY OF JUNE, 2018.

	DANA E. OUTLAW, MAYOR	_
BRENDA E. BLANCO, CITY CLERK		

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution Approving Easements for the First Street Road Diet

Date of Meeting 06/26/18	Ward # if applicable Multiple Wards ▼ Wards 1&2
Department Administration ▼	Person Submitting Item: Mark Stephens
Call for Public Hearing Yes 🗸 No	Date of Public Hearing
Explanation of Item: To facilitate the First Street Road Diet City.	, NCDOT needs to be obtain certain easements from the
Actions Needed by Board: Consider approving resolution	
Is item time sensitive? Yes No	
Will there be advocates/opponents a	at the meeting? Yes 🗹 No
Backup Attached: Easements, maps, and Agreements for	or Entry
Cost of Agenda Item:	
If this item requires an expenditure, certified by the Finance Director:	has it been budgeted and are funds available and Yes No
Additional notes:	

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the Permanent Utility Easements and Agreements for Entry by and between the City of New Bern and the North Carolina Department of Transportation, copies of which are attached hereto and incorporated herein by reference, be and the same are hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 26th DAY OF JUNE, 2018.

	DANA E. OUTLAW, Mayor	
BRENDA E. BLANCO, City Clerk	_	

Revenue Stamps \$PERMANENT UTILITY EASEMENT						
THIS INSTRUM	ENT DRAWN BY	Julianna Dorman	CHECKED BY	Bert M. Whitehurst		
RETURN TO:	Ray Dorman Vaughn & Melton 3115 Trent Road New Bern, NC 2					
NORTH CAROL	INA	TIP/P	ARCEL NUMBER:	U-5992 001		
COUNTY OF	CRAVEN		WBS ELEMENT:			
TAX PARCEL	8-204-052		ROUTE:	SR 1200 (First St./Country Club Rd.) from Pembroke Ave. to NC 55 (Neuse Blvd/Broad St.) in New Bern		
THIS EASEMENT, made and entered into this the day of 20 _18 by and between CITY OF NEW BERN PO BOX 1129						
	NEW BERN, N					
		RS, and the Department Raleigh, NC 27611, he		an agency of the State of North as the Department;		
		WITNESS	ETH			
THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the property of GRANTORS,						
AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,						
NOW, THEREFORE, in consideration of said benefits, and further consideration of \$						
and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns, from any and all claims for damages by reason of the construction and maintenance of said utility facility across and through the lands of GRANTORS, and GRANTORS hereby give, grant, bargain, sell and convey unto the DEPARTMENT, its successors, and assigns, an easement for the construction and						
		s and through the prop				
Township,	Craven			in a deed recorded in Book		
312 , I	Page <u>26</u>	,CRAVE	County F	Registry, said easement being		
Permanent Utility Easement described as follows:						

Permanent Utility Easement described as follows:

Point of beginning being S 18^30'56.2" W, 66.393 feet from -L- STA 35+00 thence along a curve 206.341 feet and having a radius of 16422.184 feet. The chord of said curve being on a bearing of S 45^4'16.7" W, a distance of 206.340 feet thence to a point on a bearing of S 4^9'56.6" E 16.911 feet thence to a point on a bearing of N 38^2'39.0" E 93.430 feet thence to a point on a bearing of N 45^16'1.1" E 31.782 feet thence to a point on a bearing of N 45^23'2.7" E 91.242 feet thence to a point on a bearing of N 5^31'31.4" W 2.569 feet returning to the point and place of beginning.

The final right of way plans showing the above described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

FRM7-U Page 1 of 3 Revised 02/17/15

COUNTY:	CRAVEN	WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.:	U-5992 001

Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.

IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Point of beginning being S 36^20'35.3" W, 280.013 feet from -L- STA 35+00 thence to a point on a bearing of S 4^9'56.6" E 14.662 feet thence to a point on a bearing of N 45^30'1.8" E 66.526 feet thence to a point on a bearing of N 12^17'52.5" E 42.551 feet thence to a point on a bearing of S 38^2'39.0" W 93.430 feet returning to the point and place of beginning.

The above described Temporary Construction/Drainage/Utility Easement(s) will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

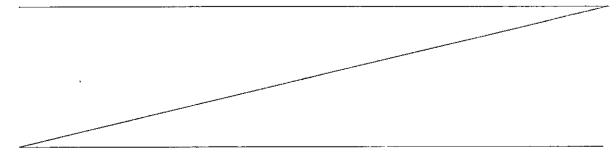
This easement is subject to the following provisions only:

NONE

There are no conditions to this EASEMENT not expressed herein.

To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

The Grantors acknowledge that the project plans for Project #	<u> 47112.2.1</u>	have been
made available to them. The Grantors further acknowledge that the co	onsideration stated her	ein is full and just
compensation pursuant to Article 9, Chapter 136 of the North Carolina	a General Statutes for	the acquisition of the
said interests and areas by the Department of Transportation and for	any and all damages to	o the value of their
remaining property; for any and all claims for interest and costs; for ar	ny and all damages car	used by the
acquisition for the construction of Department of Transportation Project		
CRAVEN County; and for the past and future use of	said areas by the Dep	artment of
Transportation, its successors and assigns for all purposes for which	the said Department is	authorized by law to
subject the same.		
•		



COUNTY: _	CRAVEN	_ WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.: _	U-5992 001		
IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated JANUARY 23, 2018, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the NEW BERN CITY COUNCIL, this the day and year first above written.							
			City o	f New Bern			
			BY: OUTLAW, M	ayor of City of New Bern	<u> </u>		
ATTEST: BRENDA BLANCO, Clerk of the City of New Bern							
ACCEPTED	FOR THE DEP	ARTMENT OF TRAN	SPORTATION	BY:			
	N	lorth Carolina,	CRAVEN	County			
		I,		, a Notary Public			
		CRAVEN	County,	North Carolina, certify tha			
		RENDA BLANCO		personally came b			
}		ie this day and ackno CITY OF NEW BI	-	e/she is the CLERK of the at by authority duly given,			
	fo	pregoing instrument w	vas signed in its	name by its MAYOR of the			
		ERN, sealed with its BRENDA BLANCO		as its CITY CLERK.			
		Witness my ha			y of		
	-		, 20	·			
		·	Notary Pเ	ublic			
		My commission exp	oires:	_			

AGREEMENT FOR ENTRY

Prepared By:

RAY DORMAN

RETURN TO:

VAUGHN & MELTON 3115 TRENT ROAD NEW BERN, NC 28562

NE	EW BERN, NC 2	8562		
STATE OF NORTH	CAROLINA		TIP/PARCEL NO.:	U-5992 001
CRAVEN	COUNTY		WBS ELEMENT	47112.2.1
	MENT made this		day of	, 2018, by fter called the Department) and
CITY OF NEW BER		DEDM NO 005		
PO BOX 1129 (hereinafter called th		BERN, NC 285	63	
(Hereinate: ouned th	C 04411013),			
		WITNESS	<u>SETH</u>	
THAT WHEI		rtment desires t		s of the owners located in ty, described as follows:
Property described being further descr				
for the construction of	of State Highway	Project # 4711	2.2.1	:
WHEREAS filing the pleadings			by G.S. 136-118 to	o enter into this agreement without
agreement and in agreement do here agents, or assigns, may enter upon the or utility encroachm specifications on fi officials, agents, co the Department, shor utility encroachm North Carolina Gerright to use the Permaintenance of utili same. The Department companies of the premises utility line all times to enter strepairs and alteratic trees and other obs	further consider by agree and cas well as utile above describe tents for Project le in its office in tractors, or assuall have the saments for the properal Statute 130 manent Utility Eities, and for all prent and its age ave the right to be or lines with all aid premises for ons thereon; togstructions that metal can be or the same and its age ave the right to be or lines with all aid premises for ons thereon; togstructions that metal as well as a consideration of the same and its age.	ration of the monsent that the onsent that the ity companies of diands for carraged and a sement show purposes for whents, assigns, a construct and recessary piper the purpose of ether with the reay in any way is a sement show purpose of the with the reay in any way is a sement show purpose of the purpose	autual covenants con the Department, its end all others deem ying on the work, continued in act. It Carolina, and the sutility companies a rrying on the work, nave been accorded for the DEPARTM inches poles and appures, poles and appures, poles and appures inspecting said utiright to cut away and	efits inuring to all parties to this entained herein, the parties to this employees, officials, contractors, or ned necessary by the Department, construction, and utility relocations occordance with the plans and at the Department, its employees, and all others deemed necessary by construction, and utility relocations of the dility relocations of the filling the pleadings required in that this Agreement includes the ENT's plans for the installation and ENT is authorized by law to subject ding, without limitation, public utility manner in, upon and through said tenances, together with the right at lifty lines and making all necessary of keep clear of said utility lines, all re with the proper maintenance and regress.
The right of	anta, described	bassis aball ba	programed to begin	as of the day and year of the ente

The right of entry described herein shall be presumed to begin as of the day and year of the entry of this agreement as first above written. The parties hereto agree that the right of entry granted shall not be deemed a trespass on the owners' property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns, and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

TIP/PARCEL NO.: U-5992	001	COUNTY:	CRAVEN		
IT IS FURTHER AGR BEGINNING WITH THE DAT DEPARTMENT'S ACCEPTAN	E OF THIS AGRE	EMENT AN	D CONTINUINO	THEREAFTER LINE	PERIOD TIL THE
During the aforesaid owners' claim for compensation Department determines that written notice thereof to the determine just compensation Carolina. Likewise, the Ownereached an impasse and required determine just compensation Carolina.	on for the property such negotiations Owners and may as provided in A ers may give writted the Department of the Departm	to be acquired have reach file approperticle 9, Character for notice to to file approperticle appropersion to file appropersion to file appropersion to the file appropersion to the file appropersion to file appropersion	ed for this high ed an impasse riate proceedin apter 136 of the the Department opriate proceed	way project. In the e e, the Department sl gs in the Superior of e General Statutes of that such negotiation	vent the nall give Court to of North ns have Court to
In the event that, as of project, the Department has Statutes or the Owners' claim not been otherwise resolved a completion of the highway propertion Court pursuant to Art	not filed proceedi for just compensa a settlement agree oject in which to	ngs pursuar tion for the p ment, the Or proceed to a	it to Article 9, roperty acquired whers shall have a determination	Chapter 136 of the d for the highway pro e two (2) years follow of just compensation	General ject has
The Owners do hereby during the period of entry set allowed upon any award of j General Statutes, and in surproceedings in the Superior Statutes.	forth herein and do ust compensation ch case, such int	o hereby wai as set forth erest shall	ve any claims f in Section 13 accrue only fro	or interest except as 6-113 of the North (om the date of the	may be Carolina filing of
IN WITNESS WHER caused this instrument to be and attested by its CITY CLER above written.	e signed in its cor	porate nam	ie by its MAYO	R. its corporate seal	hereto affixed.
		City	of New Bern		
	_	BY: OUTLAW,	Mayor of City	of New Bern	,
ACCEPTED FOR THE DERAG		DA BLANCO		City of New Bern	·
ACCEPTED FOR THE DEPAR					
	North Carolina	i, <u>C</u> I	RAVEN	County , a Notary F	ublic for
	CRAVEN		County, No	orth Carolina, certify t	hat
	me this day and a		d that he/she is	personally came the CLERK of the	pefore
	CITY OF Notice of the control of the	ew Bern ent was sign	, and that be	by authority duly giver by its MAYOR of the	
	NEW BERN, seal BRENDA BLANC	led with its co O		nd attested by s its CITY CLERK.	
		my hand and	official seal this		day of
	_		Notary Publ	ic	

My commission expires: _



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

	··· -	
ROY COOPER GOVERNOR		JAMES H. TROGDON, III Secretary
DATE:	20 June, 2018	
WBS ELEMENT:	47112.2.1	
FA PROJECT:	.,	
TIP/PARCEL:	U-5992 001	
COUNTY:	Craven	
DESCRIPTION:		m Pembroke Ave. to NC 55 in New
2	Bern, NC	m removed area, to the 33 m rew
Property Owner Ad	knowledgement of the Terms for the Carolina Department of	Voluntary Donation Of Property to the North Transportation.
acknowledge their do property to the Nort transportation project undersigned property and/or legal represer property to determin waives any compens his/her claim. The process of Federal Reg	carolina Department of Transpor without receipt of just compensation owner and/or the property owner ative has been advised that he/she just compensation and the owner retion in exchange for the donation of the pose of this document is to ensure lations (CFR), Subchapter H (Right)	d property owner's legal representatives freely ransfer their ownership of privately owned real tation for the benefit of the above sited public on. It is further agreed and acknowledged by the is legal representative that the property owner is entitled to have an appraisal made on his/her eleases the Department from this obligation and of property as right of way in full settlement of compliance under Title 23 of the United States t-of-Way and Environment), Part 710 (Right-of-Alternatives), Subsection .505 (Real Property
	(SEAL)	(SEAL)
ACCEPTED FOR T	HE DEPARTMENT OF TRANSPO	RTATION BY:
	STATE OF	COUNTY OF
	I, State, so hereby certify the	a Notary Public for said County and
	the foregoing instrument	re me this day and acknowledged the execution of official stamp or seal, this the day of
		day or

FRM4-CC REVISED 2-01-2017 (Starap Seal)

Telephone: (919) 707-4360 Fax: (919) 733-1390 Customer Service: 1-877-368-4968

My commission expires

Mailing Address:
NC DEPT OF TRANSPORTATION
RIGHT OF WAY UNIT
1546 MAIL SERVICE CENTER
RALEIGH, NC 27601

Notary Public

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES

TO:	THE CITY O	F NEW BERN	DATE:			
ŕ	PO BOX 112	9	TO: Lessee	see, if Applicable		
TIDIO	NEW BERN,	U-5992 001	.			
COUN		CRAVEN		ENT: _ 47112.2.1		
DESC	RIPTION:	205 FIRST STREET NEW BERN,	NC 285 <u>63</u>			
	Property Owne					
the ap any in this pr and, it	oproved appraincrease or decirological o	sed value for the appropriate legal corease in the fair market value of the partingent offer of just compensation is	ompensable interes property acquired d based on an analy	ket value of the property and is not less than of or interests. The approved value disregards ue to influence caused by public knowledge of sis of market data, comparable land sales, this form as it contains pertinent income		
	Value of Rig	ht of Way to be Acquired		\$		
	Value of Pe	rmanent Easements to be Acquired		\$ 1,550.00		
	Value of Te	mporary Easement (Rental of Land)	to be Acquired	\$_525.00		
	Value of Imp	provements to be Acquired		\$		
	Damages, if	any, to Remainder	•	\$		
	Benefits, if a	any, to Remainder	minus	\$		
	TOTAL C	ONTINGENT OFFER		\$_2,075.00		
	otal contingent vements.	offer includes all interests other than	leases involving F	ederal Agencies and Tenant owned		
acres St/Co acres	of which 0.0° ountry Club Ro	l9 acres is being acquired as Perm d. Also, being acquired is a tempo	nanent Utility Ease erary construction	Registry, contains approximately 139.660 ement, with access to NC 55 First easement containing approximately 0.028 ents and appurtenances described below:		
NONE		- It induces payme				
retent (C) S builda Pleas being with a remove	tion value, with should you des able lot, as exp e note that any environmenta a release from wed to their sta	the stipulation that you remove then ire to sell the Department the portion lained to you by the Right of Way Agy contingent offer to purchase a remrily clean prior to the conveyance to the appropriate environmental agence	of your property co ent, the total contin nant/buildable lot is ne Department. You	repurchase these improvements for a con area at no expense to the Department. In the purchase these improvements for a considered to be an uneconomic remnant or agent offer would be: Solve the purchase the provide the Department of the purchase the provide the Department of the purchase the provide the Department of the purchase the purcha		
		on		0 18 . Owner was furnished a copy of		
	•	ochure/Owner's Letter.	tter further with voi	ı. My telephone number is 828-228-3609		
Pleas Depar North	e be advised rtment of Trans Carolina Dep	that the agent signing this form is a sportation, and any recommended se	only authorized to attlement is not a bi	recommend settlement to the North Carolina nding contract unless and until accepted by the documents for conveyance of Right of Way,		
			K	ay lorana		
		(Signed)		/		
			Ra	y Dorman - Right of Way Agent		

SUBSTITUTE FORM W-9

VENDOR REGISTRATION FORM (ROW PURPOSES ONLY) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Scrvice (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. To insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

INDIVIDUAL AND SOLE PROPRIETOR: ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD CORPORATION OR PARTNERSHIP : ENTER YOUR LEGAL BUSINESS NAME

NAME	: THE CITY OF NEW BERN		
MAILING ADDRESS: STREET/PO BOX:	PO BOX 1129		
CITY, STATE, ZIP	: NEW BERN, NC 28563	- .	
DBA / TRADE NAME (IF APPLICABLE)	:		
□ C □ E	NDIVIDUAL (use Social Security No.) ORPORATION (use Federal ID No.) STATE/TRUST (use Federal ID no.) OTHER / SPECIFY	□PARTNERSH □STATE OR L	RIETOR (use SS No. or Fed ID No.) IIP (use Federal ID No.) OCAL GOVT. (use Federal ID No.) ABILITY CO (LLC) (use Federal ID No.)
SOCIAL SECURITY NO		<u></u>	(Social Security #)
OR FED.EMPLOYER IDENTIFICATION NO		- — —	(Employer Identification
COMPLETE THIS SECTION IF PAYMENT	S ARE MADE TO AN ADDRESS OTHE	ER THAN THE ONE	LISTED ABOVE:
REMIT TO ADDRESS: STREET / PO BO			
CITY, STATE, ZI	(P:		
Participation in this section is voluntary. You are not requi and its sole purpose is to collect statistical data on those ver What is your firm's ethnicity? (Prefer Not Hispanic American, Asian-Indian American, What is your firm's gender? (Prefer Not What is your firm's gender?	ndors doing business with NCDOT. If you choose to of To Answer, African American, N rican, Other:	participate, circle the answer [ative American, [](er that best fits your firm's group definition. Caucasian American, Asian American,
IRS Certification Under penalties of perjury, I certify that: 1. The number shown on this form is my correct of a most subject to backup withholding because withholding as a result of a failure to report all and a U.S. person (including a U.S. resident a The IRS does not require your consent to an	taxpayer identification and e: (a) I am exempt from backup withholding, or interest or dividends, or (c) the IRS has notifie	(b) I have not been not d me that I am no longe certifications required	ified by the IRS that I am subject to backup subject to backup withholding, and
NAME (Print or Type)	TITL	E (Print or Type)	
SIGNATURE	DAT	E PH	ONE NUMBER

To avoid payment delays, completed forms should be returned promptly to:

Ray Dorman, SRWA
Vaughn & Melton
3115 Trent Road
New Bern, NC 28562
PHONE 828-228-3609 FAX

FRM4-M-ROW Revised 4-15-13

RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO. <u>U-5992 001</u>	WBS ELEMENT 44634.2.1	COUNTY CRAY	VEN			
CLAIM OF THE CITY OF NEW BERN		PLAN SHE	EET <u>5,6</u>			
1. Land Area to be Acquired (Payment per squa	re foot/acre supported by recent land	l sales on file.)				
PERM Drainage/Utility Ease DUE PERM Aerial Utility Easement AUE	AC X \$	= \$ = \$ = \$ 1,539.00 = \$ = \$	®			
PERM Construction Easement TEMP Construction Easement TEMP Drainage Easement TEMP Utility Easement TUE OTHER	AC X \$ 90,000/ac x 20% AC X \$	= \$ 504.00 = \$ 5 = \$ = \$	® 525.00 ® 8 ® 6			
		LAND TOTAL	\$ 2,075.00			
Payment for improvement(s) to be acquired. N/A 3. Cost to Cure (Curable items only)	\$\$ \$ \$	I in the State's files. /EMENTS TOTAL				
N/A	COST	TO CURE TOTAL	\$ 0			
		GRAND TOTAL	\$ 2,075.00			
Comments:						
Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. If the total of this estimate is over \$10,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.						
Preparer Signature:	Kevin D. Kilpatr	ick Date	4/4/18			
NCDOT Approval Signature: But m. wet	(Bert Whitehur	st) Date	4/6/2018			
TEMPORARY EASEMENT TOTAL \$ 525.00	PERMANENT EASEM	ENT TOTAL \$ 1	,550.00			

Revenue Stamp	s\$						
PERMANENT UTILITY EASEMENT							
THIS INSTRUM	ENT DRAWN BY	Julianna Dorman	CHECKED BY	BERT M. WHITEHURST			
RETURN TO:	Ray Dorman Vaughn & Melto 3115 Trent Road New Bern, NC						
NORTH CAROL	.INA	TIP/F	PARCEL NUMBER:	U-5992 002			
COUNTY OF	CRAVEN		WBS ELEMENT:	47112.2.1			
TAX PARCEL	8-010-023		ROUTE:	SR 1200 (First St./Country Club Rd.) from Pembroke Ave. to NC 55 (Neuse Blvd/Broad St.) in New Bern			
	THIS EASEMENT, made and entered into this the day of 20 18						
by and between	PO BOX 1129						
	NEW BERN, N						
	red to as GRANTO			an agency of the State of North as the Department;			
		WITNESS	SETH				
THAT WHEREA property of GRA		NT desires to construct	and maintain a utilit	y facility through and across the			
AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,							
NOW, THEREFORE, in consideration of said benefits, and further consideration of \$ and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns,							
from any and all and through the DEPARTMENT,	claims for damage lands of GRANTO its successors, an	s by reason of the cons RS, and GRANTORS he d assigns, an easement	truction and mainten ereby give, grant, bar for the construction	ance of said utility facility across gain, sell and convey unto the and			
		ss and through the prop					
Township,, F	Craven Page <u>596</u>	County, and being ,CRAVE		in a deed recorded in Book Registry, said easement being			
Permanent Utili	ity Fasement desc	ribed as follows:					

Point of beginning being S 16^27'23.2" E, 34.028 feet from -L- STA 35+00 thence along a curve 43.167 feet and having a radius of 96181.350 feet. The chord of said curve being on a bearing of S 45^22'34.8" W, a distance of 43.167 feet thence to a point on a bearing of S 5^31'31.4" E 2.569 feet thence to a point on a bearing of N 45^23'2.7" E 10.846 feet thence to a point on a bearing of N 46^52'42.4" E 115.039 feet thence to a point on a bearing of N 31^20'52.3" E 16.492 feet thence to a point on a bearing of N 45^23'2.8" E 115.952 feet thence to a point on a bearing of N 5^28'15.6" W 1.260 feet thence to a point on a bearing of N 5^28'15.6" W 0.029 feet thence to a point on a bearing of S 45^23'2.8" W 213.825 feet returning to the point and place of beginning.

COUNTY:	CRAVEN	WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.:	U-5992 002
-				-	

The final right of way plans showing the above described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.

IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement described as follows:

Point of beginning being N 55^4'52.6" E, 197.882 feet from -L- STA 35+00 thence to a point on a bearing of N 5^28'15.6" W 3.006 feet thence to a point on a bearing of S 45^23'2.8" W 115.952 feet thence to a point on a bearing of S 31^20'52.3" W 16.492 feet thence to a point on a bearing of S 46^52'42.4" W 115.039 feet thence to a point on a bearing of N 52^46'12.5" E 108.904 feet thence to a point on a bearing of N 4^0'52.6" W 9.220 feet thence to a point on a bearing of N 45^23'2.8" E 110.000 feet thence to a point on a bearing of N 30^18'56.2" E 21.804 feet returning to the point and place of beginning.

It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.

There are no conditions to this EASEMENT not expressed herein.

To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;

The Grantors acl	knowledge that the project plans for Project#	47112.2.1	have been
made available to them.	The Grantors further acknowledge that the consider	ation stated herein	is full and just
	o Article 9, Chapter 136 of the North Carolina Gene		
	by the Department of Transportation and for any and		
	ny and all claims for interest and costs; for any and a	all damages caused	d by the
acquisition for the constru	uction of Department of Transportation Project#	<u>47112.2.</u>	<u>1</u> ,
CRAVEN	 County; and for the past and future use of said ar 	eas by the Departn	nent of
Transportation, its succes	ssors and assigns for all purposes for which the said	d Department is aut	horized by law to
subject the same.			

COUNTY: _ CRAVEN	WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.:	U-5992 002
IN WITNESS W has caused this instrum affixed, and attested by its first above written.	ent to be signed in its o	orporate name		orate seal hereto
		City of I	New Bern	
(CORPORATE SEAL)		Y: DUTLAW, May	or of City of New Bern	
	ATTES BREND		lerk of the City of New	Bern
ACCEPTED FOR THE DE	PARTMENT OF TRANS	PORTATION B	Y:	
-	North Carolina,	CRAVEN	County	
	· I,	EN County, N	, a Notary Public to orth Carolina, certify that	
	BRENDA BLANCO		personally came be	
	•	•	she is the CLERK of the by authority duly given, the	ne
	CITY OF NEW BERN, 9		ame by its MAYOR of the orporate seal, and atteste	
	by BRENDA BLANCO	as	s its CITY CLERK.	
	Witness my har	nd and official se	eal this the day	of
		, 20	18 .	
		Notary Pub	olic	
	My commission ex	oires:	_	

AGREEMENT FOR ENTRY

Prepared By: RETURN TO:

JULIANNA DORMAN VAUGHN & MELTON 3115 TRENT ROAD NEW BERN, NC 28562

STATE OF NORTH CAROLINA		TIP/PARCEL NO.:	U-5992- 002				
CRAVEN	COUNTY	WBS ELEMENT	47112.2.1				
THIS AGREEMENT made this the day of ,2018 , by and between the North Carolina Department of Transportation (hereinafter called the Department) and CITY OF NEW BERN							
PO BOX 1129	NEW BERN, NC 285	63					
(hereinafter called the ow	ners);						
	witness.	SETH	ı				
THAT WHEREAS NUMBER EIGHT To	6, the Department desires t wnship, <u>CRAVEN</u>		of the owners located in , described as follows:				
Property described in D being further described	eed Book 3412, Page 596 as tax lot 8-010-023 Crav	i, Craven County Re en County Tax Offic	gister of Deeds Office, Also, ce.				
for the construction of Sta	ite Highway Project # 4711	2.2.1.					
WHEREAS, the filing the pleadings as se		by G.S. 136-118 to	enter into this agreement without				
agreement and in further agreement do hereby a agents, or assigns, as we may enter upon the above or utility encroachments specifications on file in officials, agents, contract the Department, shall have a utility encroachments. North Carolina General right to use the Permaner maintenance of utilities, same. The Department companies) shall have the premises utility line or lift all times to enter said prepairs and alterations the trees and other obstructs.	er consideration of the magree and consent that the well as utility companies are described lands for carry for Project #47112.2.1 its office in Raleigh, Northtors, or assigns, as well as ave the same rights for carry for the project as would have the triple assement shown and for all purposes for whand its agents, assigns, and he right to construct and notices with all necessary pipe remises for the purpose of the purpose	utual covenants con Department, its en and all others deeme ying on the work, con in acc h Carolina, and that utility companies an rrying on the work, con ave been accorded erstood and agreed n on the DEPARTME hich the DE	ts inuring to all parties to this tained herein, the parties to this ployees, officials, contractors, or ed necessary by the Department, estruction, and utility relocations cordance with the plans and the Department, its employees, diall others deemed necessary by construction, and utility relocations by filing the pleadings required in that this Agreement includes the NT's plans for the installation and NT is authorized by law to subject ng, without limitation, public utility manner in, upon and through said enances, together with the right at the proper maintenance and earness.				

The right of entry described herein shall be presumed to begin as of the day and year of the entry of this agreement as first above written. The parties hereto agree that the right of entry granted shall not be deemed a trespass on the owners' property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns, and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

TIP/PARCEL NO.:	U-5992- 002	COUNTY	: CRAVEN				
IT IS FURTHER AGREED THAT, the right of entry described herein shall extend for the PERIOD BEGINNING WITH THE DATE OF THIS AGREEMENT AND CONTINUING THEREAFTER UNTIL THE DEPARTMENT'S ACCEPTANCE OF THE COMPLETED HIGHWAY PROJECT.							
During the aforesaid period, the parties hereto shall continue to negotiate a resolution of the owners' claim for compensation for the property to be acquired for this highway project. In the event the Department determines that such negotiations have reached an impasse, the Department shall give written notice thereof to the Owners and may file appropriate proceedings in the Superior Court to determine just compensation as provided in Article 9, Chapter 136 of the General Statutes of North Carolina. Likewise, the Owners may give written notice to the Department that such negotiations have reached an impasse and request the Department to file appropriate proceedings in the Superior Court to determine just compensation as provided in Article 9, Chapter 136 of the General Statutes of North Carolina.							
In the event that, as of the date of the acceptance by the Department of the completed highway project, the Department has not filed proceedings pursuant to Article 9, Chapter 136 of the General Statutes or the Owners' claim for just compensation for the property acquired for the highway project has not been otherwise resolved a settlement agreement, the Owners shall have two (2) years following the completion of the highway project in which to proceed to a determination of just compensation in the Superior Court pursuant to Article 9, Chapter 136 of the North Carolina General Statutes.							
during the period of allowed upon any a General Statutes, a	The Owners do hereby agree and consent that no interest shall accrue against the Department during the period of entry set forth herein and do hereby waive any claims for interest except as may be allowed upon any award of just compensation as set forth in Section 136-113 of the North Carolina General Statutes, and in such case, such interest shall accrue only from the date of the filing of proceedings in the Superior Court pursuant to Article 9, Chapter 136 of the North Carolina General Statutes.						
caused this instrur	IN WITNESS WHEREOF, GRANTOR, pursuant to a resolution dated JANUARY 23, 2018, has caused this instrument to be signed in its corporate name by its MAYOR, its corporate seal hereto affixed, and attested by its CITY CLERK, by order of the NEW BERN CITY COUNCIL, this the day and year first above written.						
	·	C	ity of New Bern				
		BY:					
	1		V, Mayor of City of	of New Bern			
	1						
'		ATTEST:					
	I	BRENDA BLAN	ICO, Clerk of the	City of New Bern			
ACCEPTED FOR TH	HE DEPARTMENT OF	F TRANSPORTA	ATION BY:				
	North Ca	arolina.	CRAVEN	County			
	ļ ,	,		, a Notary Public for			
	CRAVEN		County, No	orth Carolina, certify that			
	BRENDA BLANCO personally came before						
		-	dged that he/she is				
	CITY OF	NEW BER		by authority duly given, the by its MAYOR of the CITY OF			
	NEW BEF	RN, sealed with it	ts corporate seal, a	nd attested by			
		BLANCO	 	s its CITY CLERK.			
	"	-	and official seal this	s the day of			
		, 20	<u>18</u> .				
			Notary Pub	lic			

My commission expires:



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

	•	
ROY COOPER GOVERNOR		JAMES H. TROGDON, III SECRETARY
DATE:	20 June, 2018	
WBS ELEMENT:	47112.2.1	
FA PROJECT:		
TIP/PARCEL:	U-5992 002	
COUNTY:	Craven	
DESCRIPTION:	First Street Road Diet SR 1200 f Bern, NC	from Pembroke Ave. to NC 55 in New
Property Owner A	cknowledgement of the Terms for t Carolina Department of	he Voluntary Donation Of Property to the North of Transportation.
property to the Nor transportation project undersigned propert and/or legal represes property to determine waives any compens his/her claim. The product of Federal Registration of the property to the property to determine the property to determine the property to determine the property to the property	th Carolina Department of Transport without receipt of just compensary owner and/or the property owner tative has been advised that he/shate just compensation and the owner sation in exchange for the donation urpose of this document is to ensurgulations (CFR), Subchapter H (Right with which is the compensations (CFR), Subchapter H (Right with which is the compensations (CFR), Subchapter H (Right with which is the compensations (CFR), Subchapter H (Right with which is the compensations (CFR), Subchapter H (Right with which is the compensation of the compensatio	y transfer their ownership of privately owned real ortation for the benefit of the above sited public tion. It is further agreed and acknowledged by the er's legal representative that the property owner is entitled to have an appraisal made on his/her releases the Department from this obligation and in of property as right of way in full settlement of re compliance under Title 23 of the United States ight-of-Way and Environment), Part 710 (Right-of-on Alternatives), Subsection .505 (Real Property
•	(SEAL)	(SEAL)
ACCEPTED FOR	I, State, so hereby certify	COUNTY OF a Notary Public for said County and that
	personally appeared be the foregoing instrume	fore me this day and acknowledged the execution of nt.

FRM4-CC REVISED 2-01-2017 (Stamp/Seal)

Telephone: (919) 707-4360 Fax: (919) 733-1390 Customer Service: 1-877-368-4968

My commission expires

Witness my hand and official stamp or seal, this the

Mailing Address: NC DEPT. OF TRANSPORTATION RIGHT OF WAY UNIT 1546 MAIL SERVICE CENTER RALEIGH, NC 27601

Notary Public

day of

SUBSTITUTE FORM W-9

VENDOR REGISTRATION FORM (ROW PURPOSES ONLY) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Service (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. To insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

INDIVIDUAL AND SOLE PROPRIETOR: ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD

CORPORATION OR PARTNERSHIP : ENTER YOUR LEGAL BUSINESS NAME NAME: THE CITY OF NEW BERN MAILING ADDRESS: STREET/PO BOX: PO BOX 1129 CITY, STATE, ZIP: NEW BERN, NC 28563 DBA / TRADE NAME (IF APPLICABLE): BUSINESS DESIGNATION: INDIVIDUAL (use Social Security No.) SOLE PROPRIETOR (use SS No. or Fed ID No.) ☐ CORPORATION (use Federal ID No.) PARTNERSHIP (use Federal ID No.) ☐ ESTATE/TRUST (use Federal ID no.) STATE OR LOCAL GOVT. (use Federal ID No.) ☐ OTHER / SPECIFY LIMITED LIABILITY CO (LLC) (use Federal ID No.) SOCIAL SECURITY NO. (Social Security #) OR FED.EMPLOYER IDENTIFICATION NO. (Employer Identification #) COMPLETE THIS SECTION IF PAYMENTS ARE MADE TO AN ADDRESS OTHER THAN THE ONE LISTED ABOVE. REMIT TO ADDRESS: STREET / PO BOX: CITY, STATE, ZIP: Participation in this section is voluntary. You are not required to complete this section to become a registered vendor. The information below will in no way affect the vendor registration process and its sole purpose is to collect statistical data on those vendors doing business with NCDOT. If you choose to participate, circle the answer that best fits your firm's group definition. What is your firm's ethnicity? (Prefer Not To Answer, African American, Native American, Caucasian American, Asian American, ☐ Hispanic American, ☐ Asian-Indian American, ☐ Other: What is your firm's gender? (Prefer Not to Answer, Male, Female) Disabled-Owned Business? (Prefer Not to Answer, Yes, No. IRS Certification Under penalties of perjury, I certify that: The number shown on this form is my correct taxpayer identification and I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and I am a U.S. person (including a U.S. resident alien). The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding. For complete certification instructions please see IRS FORM W-9 at http://www.irs.gov/pub/irs-pdf/fw9.pdf. NAME (Print or Type) TITLE (Print or Type) **SIGNATURE** DATE PHONE NUMBER

To avoid payment delays, completed forms should be returned promptly to:

Ray Dorman, SRWA Vaughn & Melton 3115 Trent Road New Bern, NC 28562 PHONE 828-228-3609 FAX

FRM4-M-ROW Revised 4-15-13

RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO. <u>U-5992 002</u>	WBS ELEMENT <u>44634.2.1</u>	COUNTY CRAV	<u>'EN</u>		
CLAIM OF THE CITY OF NEW BERN		PLAN SHE	ET <u>5,6</u>		
1. Land Area to be Acquired (Payment per squa	are foot/acre supported by recent land	sales on file.)			
RIGHT OF WAY PERM Drainage Easement PERM Utility Easement PERM Drainage/Utility Ease PERM Aerial Utility Easement PERM Construction Easement TEMP Construction Easement TEMP Drainage Easement TDE TEMP Utility Easement TUE OTHER	AC X \$	= \$	® 2,350.00 ® 2,350.00 ® 6 ® 1,500.00 ® 6		
2. Daymont for improvement(a) to be provided:		LAND TOTAL	\$ 3,850.00		
Payment for improvement(s) to be acquired. Misc. landscaping	\$ 2,500.00 \$ \$				
2. Cookin Cura (Curatila itama ania)	IMPROV	EMENTS TOTAL	\$ 2,500.00		
3. Cost to Cure (Curable items only) N/A	COOT.	TO CUBE TOTAL	(* 0		
IVA	0031	TO CURE TOTAL GRAND TOTAL	\$ 0		
Comments:		GRAND TOTAL	\$ 6,350.00		
Certificate of Preparer and Approver: I hereby certify that I am familiar with the property which is the subject of this estimate; that this estimate is based on data contained in the files of the agency and that I have no direct or indirect, present or contemplated future personal interest in this property or in any benefit from the acquisition of this property. If the total of this estimate is over \$10,000, (1) this estimate must be prepared by someone other than the negotiating agent and (2) the owner must be advised of his/her right to have their property appraised.					
Preparer Signature:	Kevin D. Kilpatr	ick Date	4/4/18		
NCDOT Approval Signature: Sect m. wf.4	(Bert Whitehurs	st) Date	4/6/2018		
TEMPORARY EASEMENT TOTAL \$ 1,500.00	PERMANENT EASEM	 ENT TOTAL \$ _2,;	350.00		

FRM4-N Revised 12-06-2017

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES

TO: _	THE CITY OF PO BOX 112 NEW BERN,		DATE: TO: Lessee, if Applicable		
COUN	RCEL NO.:	U-5992- 002 CRAVEN 205 FIRST STREET NEW BERN, NC		:NT	T: 47112.2.1
Dear P	roperty Owne	er:	1		
the app disrega knowle land sa	proved apprai ards any incre dge of this pr	sed value for the appropriate legal comp ease or decrease in the fair market value oject. The contingent offer of just comp oplicable, building costs in the area of yo	pensable interes of the property ensation is base	ac ac	et value of the property and is not less than or interests. The approved value cquired due to influence caused by public on an analysis of market data, comparable ase retain this form as it contains pertinent
	Value of Rig	ht of Way to be Acquired		\$_	·
	Value of Per	rmanent Easements to be Acquired		\$_	2,350.00
	Value of Te	mporary Easement (Rental of Land) to b	e Acquired	\$_	1,500.00
	Value of Imp	provements to be Acquired		\$_	2,500.00
	Damages, if	fany, to Remainder		\$_	
minus	Benefits, if a	any, to Remainder		\$	
	TOTAL C	ONTINGENT OFFER		-	6,350.00
		offer includes all interests other than lea		-	
(A) Des Subject acres of	scription of the t property des of which 0.013	e land and effects of the acquisition scribed in Deed Book 3412, page 0596, 3 acres is being acquired as Permanent uired is a temporary construction easem	Utility Easemen	ıt, 1	Registry, contains approximately 0.830 with access to NC 55 First St/Country Club proximately 0.037 acres.
(B) Th	e TOTAL CO	NTINGENT OFFER includes payment f	or the improvem	ien	nts and appurtenances described below:
Miscell	aneous lands	scaping			
Provide retention	ed there is su on value, with	fficient time remaining in the project sch	edule, you may om the acquisitio	re _l	epurchase these improvements for a narea at no expense to the Department.
(C) Sh	ould you des	ire to sell the Department the portion of	your property co	ons	sidered to be an uneconomic remnant or
	ole lot, as exp	lained to you by the Right of Way Agent	, the total contin	ge	ent offer would \$ N/A .
being e	environmenta	lly clean prior to the conveyance to the l the appropriate environmental agency s	Department. Yo	u r	onditioned upon the remnant/buildable lot may be required to provide the Department taminants have been remediated and/or
The or	iginal of this f	orm was handed/mailed, if out of state o	wner, to		
		on)	18 . Owner was furnished a copy of
the Rig	ht of Way Bro	ochure/Owner's Letter.	,	-	
I will be	e available at	your convenience to discuss this matter	further with you	J.	My telephone number is 828-228-3609
Depart the No	ment of Tran rth Carolina I	sportation, and any recommended settl	ement is not a b	oin	commend settlement to the North Carolina nding contract unless and until accepted by documents for conveyance of Right of Way,
			Cay Tors	wa	a
		(Signed)	Ray Do	rm	man, SRWA - Right of Way Agent
			nay Do		man, crittin inglit of traj rigolit

Revenue Stamp		MANENT UTILI	TY EASEMI	ENT		
THIS INSTRUM	ENT DRAWN BY	Julianna Dorman	CHECKED BY	BERT M. WHITEHURST		
RETURN TO:	Ray Dorman Vaughn & Melto 3115 Trent Road New Bern, NC 2					
NORTH CAROL	.INA	TIP/P	ARCEL NUMBER:	U-5992- 003		
COUNTY OF	CRAVEN		WBS ELEMENT:	47112.2.1		
TAX PARCEL	8-011-153-C		ROUTE:	SR 1200 (First St./Country Club Rd.) from Pembroke Ave. to NC 55 (Neuse Blvd/Broad St.) in New Bern		
THIS EASEMENT, made and entered into this the day of 20 _18 by and between CITY OF NEW BERN PO BOX 1129						
	NEW BERN, N					
		RS, and the Department , Raleigh, NC 27611, he		an agency of the State of North as the Department;		
		WITNESS	ETH			
THAT WHEREA property of GRA		NT desires to construct	and maintain a utilit	y facility through and across the		
AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,						
		on of said benefits, and				
from any and all and through the DEPARTMENT,	claims for damage lands of GRANTO its successors, an	s by reason of the constr RS, and GRANTORS he d assigns, an easement ss and through the prope	ruction and mainten reby give, grant, ba for the construction erty of GRANTORS	located in Number Eight		
Township,	Craven Page NRD	County, and being r	nore fully described	in a deed recorded in Book Registry, said easement being		

Permanent Utility Easement described as follows:

Point of beginning being S 45^36'50.4" W, 152.080 feet from -L- STA 40+00 thence along a curve 339.131 feet and having a radius of 379.260 feet. The chord of said curve being on a bearing of N 19^46'2.8" E, a distance of 327.945 feet thence to a point on a bearing of N 84^9'2.8" E 3.000 feet thence to a point on a bearing of N 5^50'57.2" W 250.201 feet thence to a point on a bearing of S 82^5'32.8" W 21.943 feet thence to a point on a bearing of S 40^27'51.5" E 17.596 feet thence to a point on a bearing of S 5^35'19.6" E 234.684 feet thence along a curve 330.745 feet and having a radius of 370.000 feet. The chord of said curve being on a bearing of S 19^46'32.1" W, a distance of 319.843 feet thence to a point on a bearing of S 45^23'2.7" W 146.817 feet thence to a point on a bearing of S 27^51'30.7" W 19.925 feet thence to a point on a bearing of S 45^30'13.5" W 93.000 feet thence to a point on a bearing of N 46^45'55.4" E 173.992 feet thence to a point on a bearing of N 45^23'2.8" E 85.230 feet returning to the point and place of beginning.

The final right of way plans showing the above described area are to be certified and recorded in the Office of FRM7-U Page 1 of 3 Revised 02/17/15

COUNTY:CRAVEN WBS ELEMENT:47112.2.1 TIP/PARCEL NO.:U-5992- 003
the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.
Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress. The underlying fee owner shall have the right to continue to use the Permanent Utility Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.
It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above-described permanent utility easement area(s). It is further understood and agreed that Permanent Utility Easement shall be used by the Department for additional working area during the above described project.
IN ADDITION, and for the aforestated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:
Temporary Construction Easement described as follows:
Point of beginning being S 49^21'56.8" W, 152.802 feet from -L- STA 40+00 thence along a curve 330.745 feet and having a radius of 370.000 feet. The chord of said curve being on a bearing of N 19^46'32.1" E, a distance of 319.843 feet thence to a point on a bearing of N 5^35'19.6" W 234.684 feet thence to a point on a bearing of N 40^27'51.5" W 17.596 feet thence to a point on a bearing of S 6^6'23.2" E 209.481 feet thence to a point on a bearing of S 0^42'17.5" E 137.583 feet thence to a point on a bearing of S 17^17'31.6" W 87.324 feet thence to a point on a bearing of S 29^58'37.1" W 89.079 feet thence to a point on a bearing of S 46^11'18.4" W 193.546 feet thence to a point on a bearing of S 43^4'13.4" W 99.081 feet thence to a point on a bearing of S 34^30'55.8" W 63.132 feet thence to a point on a bearing of N 54^9'24.6" E 13.742 feet thence to a point on a bearing of N 45^30'13.5" E 93.000 feet thence to a point on a bearing of N 27^51'30.7" E 19.925 feet thence to a point on a bearing of N 45^23'2.7" E 146.817 feet returning to the point and place of beginning.
It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.
There are no conditions to this EASEMENT not expressed herein.
To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;
The Grantors acknowledge that the project plans for Project # 47112.2.1 have been made available to them. The Grantors further acknowledge that the consideration stated herein is full and just compensation pursuant to Article 9, Chapter 136 of the North Carolina General Statutes for the acquisition of the

said interests and areas by the Department of Transportation and for any and all damages to the value of their remaining property; for any and all claims for interest and costs; for any and all damages caused by the acquisition for the construction of Department of Transportation Project # 47112.2.1 ,

CRAVEN County; and for the past and future use of said areas by the Department of Transportation, its successors and assigns for all purposes for which the said Department is authorized by law to subject the same

FRM7-U Page 2 of 3 Revised 02/17/15

subject the same.

	WBS ELEMENT:47112.2.1 TIP/PARCEL NO.:5992- 003
:)
IN WITNESS W	HEREOF, GRANTOR, pursuant to a resolution dated JANUARY 23, 2018,
	ent to be signed in its corporate name by its MAYOR, its corporate seal hereto
	CITY CLERK, by order of the NEW BERN CITY COUNCIL, this the day and year
first above written.	on resulting by space or another section of the section and and year
mot desire million	
	City of New Bern
	Oity of New Deffi
	BY:
	DANA OUTLAW, Mayor of City of New Bern
	DANA COTEAVI, Mayor of City of New Berri
	ATTEST:
	BRENDA BLANCO, Clerk of the City of New Bern
	BILLIADA BEAROO, CICIA OF the Only of New Bern
ACCEPTED FOR THE DE	EPARTMENT OF TRANSPORTATION BY:
	· · · · · · · · · · · · · · · · · · ·
	North Carolina CRAVEN County
	North Carolina, CRAVEN County
	North Carolina, CRAVEN County I, , a Notary Public for
	I, a Notary Public for
	I, , a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before
	I, , a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the
	I, , a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the
	I, , a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF NEW
	I, a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF NEW BERN, sealed with its corporate seal, and attested by
	I, a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF NEW BERN, sealed with its corporate seal, and attested by BRENDA BLANCO as its CITY CLERK.
	I,
	I, a Notary Public for CRAVEN County, North Carolina, certify that BRENDA BLANCO personally came before me this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the foregoing instrument was signed in its name by its MAYOR of the CITY OF NEW BERN, sealed with its corporate seal, and attested by BRENDA BLANCO as its CITY CLERK.
	I,

AGREEMENT FOR ENTRY

Prepared By: RETURN TO: **JULIANNA DORMAN VAUGHN & MELTON** 3115 TRENT ROAD

NEW BERN, NC 28562 TIP/PARCEL NO.: **U-5992 003** STATE OF NORTH CAROLINA COUNTY WBS ELEMENT 47112.2.1 **CRAVEN** THIS AGREEMENT made this the day of 2018 and between the North Carolina Department of Transportation (hereinafter called the Department) and CITY OF NEW BERN **NEW BERN, NC 28563** PO BOX 1129 (hereinafter called the owners); WITNESSETH THAT WHEREAS, the Department desires to enter certain lands of the owners located in NUMBER EIGHT Township, CRAVEN County, described as follows: Property described in Deed Book NDR, Page NDR, Craven County Register of Deeds Office, Also, being further described as tax lot 8-011-153-C Craven County Tax Office. for the construction of State Highway Project # 47112.2.1. filing the pleadings as set forth in G.S. 136-103.

WHEREAS, the Department is authorized by G.S. 136-118 to enter into this agreement without

NOW THEREFORE, in consideration of the mutual benefits inuring to all parties to this agreement and in further consideration of the mutual covenants contained herein, the parties to this agreement do hereby agree and consent that the Department, its employees, officials, contractors, or agents, or assigns, as well as utility companies and all others deemed necessary by the Department, may enter upon the above described lands for carrying on the work, construction, and utility relocations or utility encroachments for Project #47112.2.1 in accordance with the plans and specifications on file in its office in Raleigh, North Carolina, and that the Department, its employees, or utility encroachments for Project officials, agents, contractors, or assigns, as well as utility companies and all others deemed necessary by the Department, shall have the same rights for carrying on the work, construction, and utility relocations or utility encroachments for the project as would have been accorded by filing the pleadings required in North Carolina General Statute 136-103. It is understood and agreed that this Agreement includes the right to use the Permanent Utility Easement shown on the DEPARTMENT's plans for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents, assigns, and licensees (including, without limitation, public utility companies) shall have the right to construct and maintain in a proper manner in, upon and through said premises utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

The right of entry described herein shall be presumed to begin as of the day and year of the entry of this agreement as first above written. The parties hereto agree that the right of entry granted shall not be deemed a trespass on the owners' property. The OWNERS DO HEREBY EXPRÉSSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns, and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

FRM10-E Revised 8-20-2015

TIP/PARCEL NO.: 0-5992-003	3 COUNTY: CRAVEN	
IT IS FURTUED ASSES	DITUAT the right of entry described berein about outend for the DEDIOD	
IT IS FURTHER AGREED THAT, the right of entry described herein shall extend for the PERIOD BEGINNING WITH THE DATE OF THIS AGREEMENT AND CONTINUING THEREAFTER UNTIL THE DEPARTMENT'S ACCEPTANCE OF THE COMPLETED HIGHWAY PROJECT.		
owners' claim for compensation of Department determines that such written notice thereof to the Ov determine just compensation as Carolina. Likewise, the Owners reached an impasse and request	riod, the parties hereto shall continue to negotiate a resolution of the for the property to be acquired for this highway project. In the event the ch negotiations have reached an impasse, the Department shall give where and may file appropriate proceedings in the Superior Court to provided in Article 9, Chapter 136 of the General Statutes of North may give written notice to the Department that such negotiations have the Department to file appropriate proceedings in the Superior Court to provided in Article 9, Chapter 136 of the General Statutes of North	
project, the Department has not Statutes or the Owners' claim for not been otherwise resolved a se completion of the highway proje	the date of the acceptance by the Department of the completed highway it filed proceedings pursuant to Article 9, Chapter 136 of the General pust compensation for the property acquired for the highway project has ettlement agreement, the Owners shall have two (2) years following the feet in which to proceed to a determination of just compensation in the eeg, Chapter 136 of the North Carolina General Statutes.	
The Owners do hereby agree and consent that no interest shall accrue against the Department during the period of entry set forth herein and do hereby waive any claims for interest except as may be allowed upon any award of just compensation as set forth in Section 136-113 of the North Carolina General Statutes, and in such case, such interest shall accrue only from the date of the filing of proceedings in the Superior Court pursuant to Article 9, Chapter 136 of the North Carolina General Statutes.		
caused this instrument to be s	DF, GRANTOR, pursuant to a resolution dated JANUARY 23, 2018, has igned in its corporate name by its MAYOR, its corporate seal hereto affixed, by order of the NEW BERN CITY COUNCIL, this the day and year first	
	City of New Bern	
	BY:	
	DANA OUTLAW, Mayor of City of New Bern	
	ATTEST:	
	BRENDA BLANCO, Clerk of the City of New Bern	
ACCEPTED FOR THE DEPARTI	MENT OF TRANSPORTATION BY:	
	North Carolina, CRAVEN County	
1	I, , a Notary Public for	
	CRAVEN County, North Carolina, certify that	
	BRENDA BLANCO personally came before	
	ne this day and acknowledged that he/she is the CLERK of the CITY OF NEW BERN , and that by authority duly given, the	
f	CITY OF NEW BERN , and that by authority duly given, the oregoing instrument was signed in its name by its MAYOR of the CITY OF NEW BERN, sealed with its corporate seal, and attested by as its CITY CLERK.	
	Witness my hand and official seal this the day of	
	Notary Public	
	Notary i abile	
	My commission expires:	



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

ROY COOPER GOVERNOR		JAMES H. TROGDON, III Secretary			
DATE: WBS ELEMENT: FA PROJECT:	20 June, 2018 47112.2.1				
TIP/PARCEL:	U-5992 003				
COUNTY:	Craven				
DESCRIPTION: First Street Road Diet SR 1200 from Pembroke Ave. to NC 55 in New Bern, NC					
Property Owner A	cknowledgement of the Terms for t Carolina Department of	the Voluntary Donation Of Property to the North of Transportation.			
acknowledge their d property to the Nort transportation project undersigned propert and/or legal represer property to determin waives any compens his/her claim. The p Code of Federal Reg	esire and willingness to voluntarily the Carolina Department of Transport without receipt of just compensary owner and/or the property own netative has been advised that he/she just compensation and the owner station in exchange for the donation urpose of this document is to ensurable the control of the compensations (CFR), Subchapter H (Right CFR), Subchapter H (Right CFR),	red property owner's legal representatives freely transfer their ownership of privately owned real ortation for the benefit of the above sited publication. It is further agreed and acknowledged by the er's legal representative that the property owner is entitled to have an appraisal made on his/her releases the Department from this obligation and in of property as right of way in full settlement of the compliance under Title 23 of the United States entitled to have an appraisal made on his/her releases the Department from this obligation and in of property as right of way in full settlement of the compliance under Title 23 of the United States entitle of Alternatives), Subsection .505 (Real Property			
	(SEAL)	(SEAL)			
ACCEPTED FOR	I, State, so hereby certify	COUNTY OF a Notary Public for said County and that			
	the foregoing instrume	efore me this day and acknowledged the execution of nt. and official stamp or seal, this the day of			

FRM4-CC REVISED 2-01-2017 (Stamp/Seal)

Telephone: (919) 707-4360 Fax: (919) 733-1390 Customer Service: 1-877-368-4968

My commission expires

Mailing Address: NC DEPT. OF TRANSPORTATION RIGHT OF WAY UNIT 1546 MAIL SERVICE CENTER RALEIGH, NC 27601

Notary Public

SUBSTITUTE FORM W-9

VENDOR REGISTRATION FORM (ROW PURPOSES ONLY) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Service (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. To insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

INDIVIDUAL AND SOLE PROPRIETOR: ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD

CORPORATION OR PARTNERSHIP : ENTER YOUR LEGAL BUSINESS NAME

NAME: THE CITY OF NEW BERN MAILING ADDRESS: STREET/PO BOX: PO BOX 1129 CITY, STATE, ZIP: NEW BERN, NC 28563 DBA / TRADE NAME (IF APPLICABLE): **BUSINESS DESIGNATION:** INDIVIDUAL (use Social Security No.) SOLE PROPRIETOR (use SS No. or Fed ID No.) CORPORATION (use Federal ID No.) PARTNERSHIP (use Federal ID No.) ESTATE/TRUST (use Federal ID no.) STATE OR LOCAL GOVT. (use Federal ID No.) ☐ OTHER / SPECIFY ☐ LIMITED LIABILITY CO (LLC) (use Federal ID No.) SOCIAL SECURITY NO. ____ - ___ - ___ - ___ __ (Social Security #) ORFED.EMPLOYER IDENTIFICATION NO. ____ - ___ - ____ _____ (Employer Identification #) COMPLETE THIS SECTION IF PAYMENTS ARE MADE TO AN ADDRESS OTHER THAN THE ONE LISTED ABOVE: REMIT TO ADDRESS: STREET / PO BOX: CITY, STATE, ZIP: Participation in this section is voluntary. You are not required to complete this section to become a registered vendor. The information below will in no way affect the vendor registration process and its sole purpose is to collect statistical data on those vendors doing business with NCDOT. If you choose to participate, circle the answer that best fits your firm's group definition. What is your firm's ethnicity? (Prefer Not To Answer, African American, Native American, Caucasian American, Asian American, ☐ Hispanic American, ☐ Asian-Indian American, ☐ Other: What is your firm's gender? (Prefer Not to Answer, Male, Female) Disabled-Owned Business? (Prefer Not to Answer, Yes, No. IRS Certification Under penalties of perjury, I certify that: The number shown on this form is my correct taxpayer identification and I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and 3. I am a U.S. person (including a U.S. resident alien). The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding, For complete certification instructions please see IRS FORM W-9 at http://www.irs.gov/pub/irs-pdf/fw9.pdf. NAME (Print or Type) TITLE (Print or Type) SIGNATURE DATE PHONE NUMBER To avoid payment delays, completed forms should be returned promptly to:

preced forms should be recurred promptly to:

Ray Dorman, SRWA
Vaughn & Melton
3115 Trent Road
New Bern, NC 28562
PHONE 828-228-3609 FAX

FRM4-M-ROW Revised 4-15-13

RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO.	U-5992 003	WBS ELEMENT	44634.2.1	COUNTY CRAY	VEN	
CLAIM OF THE C	CITY OF NEW BERN			PLAN SHE	EET	6
1. Land Area to be A	cquired (Payment per squa	re foot/acre suppo	rted by recent land	sales on file.)		
RIGHT OF WAY PERM Drainage Ease PERM Utility Easeme PERM Drainage/Utility PERM Aerial Utility Ea PERM Construction E TEMP Construction E TEMP Drainage Ease TEMP Utility Easemel OTHER	nt PUE 0.188 y Ease DUE asement AUE asement PCE asement TCE 0.215 ement TDE	AC X \$ 90,0 AC X \$ 90,0 AC X \$ AC X \$ AC X \$ AC X \$	000/ac x 90%	= \$	(B) (B)	15,250.00 3,875.00
				LAND TOTAL		<u>19,1</u> 25.00
725' of 48" chain link t Misc. Landscaping			\$ 4,350.00 \$ 1,500.00 \$	in the State's files /EMENTS TOTAL		5,850
3. Cost to Cure (Cura	able items only)					
N/A			COST	TO CURE TOTAL GRAND TOTAL	\$ \$	24,975.00
Comments:						
			,			
estimate; that this esti present or contemplat If the total of this est	r and Approver: I hereby commate is based on data conted future personal interest timate is over \$10,000, (1) and (2) the owner must be	tained in the files or in this property or this estimate mu	of the agency and to in any benefit from the st be prepared by	hat I have no direct the acquisition of t someone other t	or ind his pr han t	direct, roperty.
Preparer Signature:		X	Kevin D. Kilpatr	i ck Date	_4/	/4/18
NCDOT Approval Signature:	But m. who	tedus I	(Bert Whitehurs	st) Date	_4/	/6/2018
TEMPORARY EASEN	MENT TOTAL \$ _3,875.00	PER	MANENT EASEM	ENT TOTAL \$ 1:	5,250.	.00

FRM4-N Revised_12-06-2017

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY DUE TO THE ACQUISITION OF RIGHT-OF WAY AND DAMAGES

TO:	THE CITY O	F NEW BERN		DATE:		
	PO BOX 112			TO: Lessee	e, if A	pplicable
TID/D.	NEW BERN, ARCEL NO.:	U-5992- 003				
COUN	ITY	CRAVEN			ENT:	47112.2.1
DESC	RIPTION:	301 FIRST STREET NE	EW BERN, NC 28	563		
	Property Owne					,
the ap any in this pr and, if	proved apprai crease or deci oject. The col	sed value for the appropr rease in the fair market vantingent offer of just comp	iate legal compen alue of the propert pensation is based	sable interes by acquired d d on an analy	st or in lue to /sis o	alue of the property and is not less than nterests. The approved value disregards influence caused by public knowledge of f market data, comparable land sales, form as it contains pertinent income
	Value of Rig	ht of Way to be Acquired			\$_	<u> </u>
	Value of Pe	rmanent Easements to be	e Acquired		\$ <u>_1</u>	15,250.00
	Value of Te	mporary Easement (Rent	al of Land) to be A	Acquired	\$ <u>_3</u>	3,875.00
	Value of Imp	provements to be Acquire	ed		\$_5	5,850.00
	Damages, if	any, to Remainder			\$	
	Benefits, if a	any, to Remainder		minus	\$_	
	TOTAL C	ONTINGENT OFFER	R		\$_2	24,975.00
	otal contingent vements.	offer includes all interest	s other than lease	s involving F	edera	al Agencies and Tenant owned
Subje acres	ct property des of which 0.188		D, page NRD, CR as Permanent Uti	lity Easemer	nt, wit	egistry, contains approximately 3.810 th access to NC 55 First St./Country Club eximately 0.215 acres.
		NTINGENT OFFER inclu caping ; 725' of 48" chair			nents	and appurtenances described below:
						rchase these improvements for a ea at no expense to the Department.
builda Pleas being with a	ble lot, as exp e note that any environmenta	lained to you by the Righ y contingent offer to purch Ily clean prior to the conv the appropriate environm	t of Way Agent, th nase a remnant/bu eyance to the Der	e total contir uildable lot is partment. Yo	ngent cond ou ma	ered to be an uneconomic remnant or offer would be: \$ ditioned upon the remnant/buildable lot ay be required to provide the Department inants have been remediated and/or
	_	orm was handed/mailed, on	if out of state own		20 _1	18 Owner was furnished a copy of
the Ri	ght of Way Br	ochure/Owner's Letter.				
l will b	e available at	your convenience to disc	uss this matter fu	rther with yo	u. My	y telephone number is 828-228-3609
Depai North	tment of Trans Carolina Dep	sportation, and any recon	nmended settleme	ent is not a bi	inding	mmend settlement to the North Carolina g contract unless and until accepted by the iments for conveyance of Right of Way,
		(Signed)		ay Do	orman - Right of Way Agent

1

Revenue Stamps \$PERMANENT UTILITY EASEMENT					
THIS INSTRUME	ENT DRAWN BY	Julianna Dorman	CHECKED BY	Bert M. Whitehurst	
RETURN TO:	Ray Dorman Vaughn & Melton 3115 Trent Road New Bern, NC 2				
NORTH CAROLI	CRAVEN	TJP/P	ARCEL NUMBER: WBS ELEMENT:	47112.2.1	
TAX PARCEL	8-011-140		ROUTE:	SR 1200 (First St./Country Club Rd.) from Pembroke Ave. to NC 55 (Neuse Blvd/Broad St.) in New Bern	
THIS EASEMENT, made and entered into this the day of 2018 by and between CITY OF NEW BERN PO BOX 1129					
NEW BERN, NC 28563 hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina, 1546 Mail Service Center, Raleigh, NC 27611, hereinafter referred to as the Department;					
WITNESSETH THAT WHEREAS, the DEPARTMENT desires to construct and maintain a utility facility through and across the property of GRANTORS,					
AND WHEREAS, GRANTORS, recognizing the benefits accruing to their said property through the construction and maintenance by the DEPARTMENT of roads and highways upon or in the vicinity of said property of GRANTORS,					
NOW, THEREFORE, in consideration of said benefits, and further consideration of \$ and other valuable considerations, GRANTORS hereby release the DEPARTMENT, its successors and assigns, from any and all claims for damages by reason of the construction and maintenance of said utility facility across and through the lands of GRANTORS, and GRANTORS hereby give, grant, bargain, sell and convey unto the DEPARTMENT, its successors, and assigns, an easement for the construction and maintenance of a utility facility across and through the property of GRANTORS located in Number Eight					
Township,	Craven Page551		nore fully described	in a deed recorded in Book Registry, said easement being	
Permanent Utili	ty Easement desc	ribed as follows:			

Point of beginning being S 9^31'42.2" W, 166.226 feet from -L- STA 42+00 thence to a point on a bearing of N 82^5'32.8" E 16.917 feet thence to a point on a bearing of N 5^50'57.2" W 300.438 feet thence to a point on a bearing of S 82^6'2.8" W 17.117 feet thence to a point on a bearing of S 5^53'14.3" E 300.433 feet returning to the point and place of beginning.

The final right of way plans showing the above described area are to be certified and recorded in the Office of the Register of Deeds for said county pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

Said Permanent Utility Easement in perpetuity is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises

FRM7-U Page 1 of 3 Revised 02/17/15

COUNTY:	CRAVEN	WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.:	U-5992- 004
said premises thereon; togeth that may in an at all times of Permanent Uti said area for	for the purpo her with the riq y way endang ingress, egres ility Easement access, ingre- aterially impair	se of inspecting said ught to cut away and ke er or interfere with the ps and regress. The und area(s) in any manner ss, egress, and parking the actual use of the	tility lines and ep clear of said proper maintend derlying fee owr and for any pung, that does n	making all necessary d utility lines, all trees ance and operation of ner shall have the righ urpose, including but rot, in the determinat	ight at all times to enter repairs and alterations and other obstructions the same with the right to continue to use the not limited to the use of ion of the Department, at of Transportation, its
slopes in the a	bove-describe lity Easement	hat the Department sha d permanent utility easo shall be used by the De	ement area(s).	It is further understoo	d and agreed that
		or the aforestated consi ors and assigns the follo			eby convey to the
Temporary Co	onstruction E	asement described as	follows:		
Point of beginning being N 23^22'54.5" W, 146.986 feet from -L- STA 42+00 thence to a point on a bearing of S 82^6'2.8" W 6.998 feet thence to a point on a bearing of S 5^41'40.6" E 300.472 feet thence to a point on a bearing of N 82^5'32.8" E 8.009 feet thence to a point on a bearing of N 5^53'14.3" W 300.433 feet returning to the point and place of beginning.					
It is understood and agreed that the Department shall have the right to construct and maintain the cut and/or fill slopes in the above described temporary easement area(s) until such time that the property owners alter the adjacent lands in such a manner that the cut and/or fill slopes are no longer needed for the lateral support of the roadway. Any additional construction areas lying beyond the cut and/or fill slopes and extending beyond the right of way limits and beyond any permanent easement areas will terminate upon completion and acceptance of the project. The underlying fee owner shall have the right to continue to use the Temporary Easement area(s) in any manner and for any purpose, including but not limited to the use of said area for access, ingress, egress, and parking, that does not, in the determination of the Department, obstruct or materially impair the actual use of the easement area(s) by the Department of Transportation, its agents, assigns, and contractors.					
There	are no conditi	ons to this EASEMENT	not expressed	herein.	
To HAVE AND TO HOLD said perpetual easement for highway purposes unto the DEPARTMENT, its successors and assigns, and the GRANTORS, for themselves, their heirs, successors, executors and assigns, hereby warrant and covenant that they are the sole owners of the property; that they solely have the right to grant the easement; and that they will forever warrant and defend title to the same against the lawful claims of all persons whomsoever;					
made available compensation said interests a remaining propacquisition for CRAV	e to them. The pursuant to Al and areas by to perty; for any a the construction EN Construction its successor	he Department of Trans and all claims for interes on of Department of Tra County; and for the past	wledge that the the North Carol sportation and fo t and costs; for ansportation Pro and future use	consideration stated ina General Statutes for any and all damages any and all damages oject # 47	herein is full and just or the acquisition of the s to the value of their caused by the 112.2.1
	•				

COUNTY: _	CRAVEN	WBS ELEMENT:	47112.2.1	TIP/PARCEL NO.:	U-5992- 004
IN \	WITNESS WHE	REOF, GRANTOR	R, pursuant to a	resolution dated JA	NUARY 23, 2018,
has caused	this instrument	to be signed in its	corporate name	by its MAYOR, its co	orporate seal hereto
aπixed, and a first above v	•	I Y CLERK, by order	Of the MEAN BEK	N CITY COUNCIL, th	is the day and year
			City of N	lew Bern	
			BY:		
		DANA	OUTLAW, May	or of City of New Be	ern
		ATTE: BRENI		lerk of the City of Ne	ew Bern
4005555			·	•	
ACCEPTED	FOR THE DEPA	RTMENT OF TRANS	SPORTATION BY	r	
	No.	orth Carolina,	CRAVEN	County	
		I, CRAVEN	County N	, a Notary Pub orth Carolina, certify tl	
	B	RENDA BLANCO	County, N	personally, came	
	L		wledged that he/s	she is the CLERK of the	
	l l			by authority duly giver	
		regoing instrument w ERN, sealed with its o		ame by its MAYOR of nd attested by	the CITY OF NEW
	BI	RENDA BLANCO	as	s its CITY CLERK.	d
		vvitness my na		eal this the o	day of ¦
				<u>,,, </u>	
			Nistana Dubli	<u></u>	
			Notary Publ	IC	
		My commission exp	ires:	_	

AGREEMENT FOR ENTRY

Prepared By: RETURN TO:

JULIANNA DORMAN VAUGHN & MELTON 3115 TRENT ROAD NEW BERN, NC 28562

STATE OF NORTH	JAROLINA		TIP/PARCEL NO.:	U-5992- 0U4	
CRAVEN	COUNTY		WBS ELEMENT	47112.2.1	
THIS AGREEMENT made this the					
(hereinafter called the					
WITNESSETH					
THAT WHEF NUMBER EIGHT	REAS, the Depa Township,	rtment desires CRAVEN		s of the owners located in y, described as follows:	
Property described in Deed Book 1307, Page 551, Craven County Register of Deeds Office, Also, being further described as tax lot 8-011-140 Craven County Tax Office.					
for the construction o	f State Highway	/ Project # 471	12.2.1.		
WHEREAS filing the pleadings			d by G.S. 136-118 to	enter into this agreement without	
agreement and in agreement do here agents, or assigns, may enter upon the or utility encroachm specifications on fil officials, agents, couthe Department, shor utility encroachm North Carolina Gerright to use the Permaintenance of utility same. The Departm companies) shall he premises utility line all times to enter se	further consider by agree and consider as well as utile above describer ents for Project to the intractors, or assuments for the property of t	ration of the management that the consent conse	nutual covenants core Department, its end and all others deem rying on the work, comment Carolina, and the sutility companies are arrying on the work, of have been accorded derstood and agreed on the DEPARTME which the DEPARTME and licensees (including maintain in a proper pes, poles and appurish inspecting said util	fits inuring to all parties to this national herein, the parties to this imployees, officials, contractors, or need necessary by the Department, instruction, and utility relocations accordance with the plans and at the Department, its employees, and all others deemed necessary by construction, and utility relocations by filing the pleadings required in a that this Agreement includes the ENT's plans for the installation and ENT is authorized by law to subject ling, without limitation, public utility manner in, upon and through said tenances, together with the right at lity lines and making all necessary divide the contraction of the	

The right of entry described herein shall be presumed to begin as of the day and year of the entry of this agreement as first above written. The parties hereto agree that the right of entry granted shall not be deemed a trespass on the owners' property. The OWNERS DO HEREBY EXPRESSLY WAIVE any and all claims arising from any entry made pursuant to this agreement and being in the nature of a trespass, taking, or an inverse condemnation. This waiver applies to the Department, its employees, officials, contractors, agents, assigns, and/or licensees, as well as to utility companies and all others deemed necessary by the Department to enter the property for the purposes set forth herein.

trees and other obstructions that may in any way endanger or interfere with the proper maintenance and

operation of the same with the right at all times of ingress, egress and regress.

TIP/PARCEL NO.: U-59	92- 004	COUNTY:	CRAVEN	
	ATE OF THIS AGRE	EMENT AN	D CONTINUING	shall extend for the PERIOD THEREAFTER UNTIL THE ECT.
owners' claim for compens Department determines the written notice thereof to determine just compensa Carolina. Likewise, the Carolina impasse and reached an impasse and reached	sation for the property nat such negotiations the Owners and may tion as provided in A wners may give writte equest the Departmer	to be acqui have reach file approparticle 9, Ch en notice to nt to file app	red for this high ned an impasse priate proceedin apter 136 of th the Department ropriate proceed	negotiate a resolution of the way project. In the event the e, the Department shall give ags in the Superior Court to e General Statutes of North that such negotiations have dings in the Superior Court to e General Statutes of North
project, the Department h Statutes or the Owners' cl not been otherwise resolv	las not filed proceedi aim for just compensa ed a settlement agree y project in which to	ings pursual ition for the p ement, the C proceed to	nt to Article 9, property acquire wners shall hav a determination	ent of the completed highway Chapter 136 of the General and for the highway project has be two (2) years following the a of just compensation in the deral Statutes.
during the period of entry allowed upon any award General Statutes, and in	set forth herein and do of just compensation such case, such int	o hereby wa as set fort terest shall	live any claims h in Section 13 accrue only fro	crue against the Department for interest except as may be 36-113 of the North Carolina om the date of the filing of the North Carolina General
caused this instrument t	o be signed in its co	rporate nar	ne by its MAYC	n dated JANUARY 23, 2018, had been affixed by the corporate seal hereto affixed by the corporate seal hereto affixed by the corporate seal hereto affixed by the corporate by th
		City	of New Bern	
		BY: COUTLAW,	Mayor of City	of New Bern
	ATTE BREN		CO, Clerk of the	e City of New Bern
ACCEPTED FOR THE DE	PARTMENT OF TRA	NSPORTAT	ION BY:	
	North Carolin	a, <u>(</u>	CRAVEN	County
	1,	-		, a Notary Public for
	CRAVEN		County, N	North Carolina, certify that
	BRENDA BLAN			personally came before
		-		is the CLERK of the
		NEW BERN	·	by authority duly given, the by its MAYOR of the CITY OF
	NEW BERN, se	aled with its	corporate seal,	and attested by
	BRENDA BLAN		_	as its CITY CLERK.
	vvitness	-	id oπicial seal tr 18 .	nis the day of
			 '	
			Notary Pu	blic

My commission expires: ____



STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

١	DEFARTIVIENT OF TRA	INSPORTATION			
ROY COOPER GOVERNOR		JAMES H. TROGDON, III Secretary			
DATE: WBS ELEMENT: FA PROJECT:	20 June, 2018 47112.2.1				
TIP/PARCEL:	U-5992 004				
COUNTY:	Craven				
DESCRIPTION: First Street Road Diet SR 1200 from Pembroke Ave. to NC 55 in New Bern, NC					
Property Owner Ac	cknowledgement of the Terms for Carolina Department of	the Voluntary Donation Of Property to the North of Transportation.			
acknowledge their deproperty to the North transportation project undersigned property and/or legal represer property to determine waives any compension his/her claim. The process of Federal Registration of the North Property to determine waives any compension of Federal Registration of the North Property to the North Property to determine waives any compension of the North Property to the North Property and Property to the North Prop	esire and willingness to voluntarily the Carolina Department of Transport without receipt of just compensary owner and/or the property own attative has been advised that he/sle just compensation and the owner action in exchange for the donation urpose of this document is to ensurulations (CFR), Subchapter H (Ri	ned property owner's legal representatives freely y transfer their ownership of privately owned real portation for the benefit of the above sited publication. It is further agreed and acknowledged by the ter's legal representative that the property owner he is entitled to have an appraisal made on his/her releases the Department from this obligation and n of property as right of way in full settlement of the compliance under Title 23 of the United States ght-of-Way and Environment), Part 710 (Right-of-tion Alternatives), Subsection .505 (Real Property			
	(SEAL)	(SEAL)			
ACCEPTED FOR	THE DEPARTMENT OF TRANS	PORTATION BY:COUNTY OF			
	I, State, so hereby certify	a Notary Public for said County and that			
		efore me this day and acknowledged the execution of			
	the foregoing instrume Witness my hand a	and official stamp or seal, this the day of			

FRM4-CC REVISED 2-01-2017 (Stamp/Seal)

Telephone: (919) 707-4360 Fax: (919) 733-1390 Customer Service: 1-877-368-4968

My commission expires

Mailing Address: NC DEPT. OF TRANSPORTATION RIGHT OF WAY UNIT 1546 MAIL SERVICE CENTER RALEIGH, NC 27601

Notary Public

SUBSTITUTE FORM W-9

VENDOR REGISTRATION FORM (ROW PURPOSES ONLY) NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

Pursuant to Internal Revenue Service (IRS) Regulations, vendors must furnish their Taxpayer Identification Number (TIN) to the State. To insure that accurate tax information is reported to the Internal Revenue Service and the State, please use this form to provide the requested information exactly as it appears on file with the IRS.

INDIVIDUAL AND SOLE PROPRIETOR: ENTER NAME AS SHOWN ON SOCIAL SECURITY CARD CORPORATION OR PARTNERSHIP : ENTER YOUR LEGAL BUSINESS NAME NAME: THE CITY OF NEW BERN MAILING ADDRESS: STREET/PO BOX: PO BOX 1129 CITY, STATE, ZIP: NEW BERN, NC 28563 DBA / TRADE NAME (IF APPLICABLE): BUSINESS DESIGNATION: | INDIVIDUAL (use Social Security No.) SOLE PROPRIETOR (use SS No. or Fed ID No.) CORPORATION (use Federal ID No.) PARTNERSHIP (use Federal ID No.) ☐ ESTATE/TRUST (use Federal ID no.) STATE OR LOCAL GOVT. (use Federal ID No.) ☐ OTHER / SPECIFY ☐ LIMITED LIABILITY CO (LLC) (use Federal ID No.) SOCIAL SECURITY NO. (Social Security #) FED.EMPLOYER IDENTIFICATION NO. ____ - ____ - ____ (Employer Identification #) COMPLETE THIS SECTION IF PAYMENTS ARE MADE TO AN ADDRESS OTHER THAN THE ONE LISTED ABOVE: REMIT TO ADDRESS: STREET / PO BOX: CITY, STATE, ZIP: Participation in this section is voluntary. You are not required to complete this section to become a registered vendor. The information below will in no way affect the vendor registration process and its sole purpose is to collect statistical data on those vendors doing business with NCDOT. If you choose to participate, circle the answer that best fits your firm's group definition. What is your firm's ethnicity? (Prefer Not To Answer, African American, Native American, Caucasian American, Asian American, ☐ Hispanic American, ☐ Asian-Indian American, ☐ Other: What is your firm's gender? (Prefer Not to Answer, Male, Female) Disabled-Owned Business? (Prefer Not to Answer, Yes, No) IRS Certification Under penalties of perjury, I certify that: The number shown on this form is my correct taxpayer identification and I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the IRS that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and I am a U.S. person (including a U.S. resident alien). The IRS does not require your consent to any provision of this document other than the certifications required to avoid backup withholding. For complete certification instructions please see IRS FORM W-9 at http://www.irs.gov/pub/irs-pdf/fw9.pdf. NAME (Print or Type) TITLE (Print or Type)

To avoid payment delays, completed forms should be returned promptly to:

Ray Dorman, SRWA
Vaughn & Melton
3115 Trent Road
New Bern, NC 28562
PHONE 828-228-3609 FAX

DATE

PHONE NUMBER

FRM4-M-ROW Revised 4-15-13

SIGNATURE

RIGHT OF WAY CLAIM REPORT

TIP/PARCEL NO.	U-5992 004	WBS ELEMENT	44634.2.1	COUNTY	CRAVEN	
CLAIM OF THE	CITY OF NEW BERN			PLAI	N SHEET	6,7
1. Land Area to be A	cquired (Payment per squa	are foot/acre suppo	rted by recent land	sales on file.)	
RIGHT OF WAY PERM Drainage Ease PERM Utility Easeme PERM Drainage/Utility PERM Aerial Utility E PERM Construction E TEMP Construction E TEMP Drainage Ease TEMP Utility Easeme OTHER	ent PUE 0.111 y Ease DUE asement AUE Easement PCE Easement TCE 0.052 ement TDE	AC X \$ AC X \$,000/ac x 90% ,000/ac x 20%	= \$ = \$.20 @ @ .20 @ @ .00 @ .00 @ .00 @	1,450.00
				LAND TO	•	16,000.00
Misc. Landscaping	evement(s) to be acquired.		costs documented \$ _2000.00 \$ \$	in the State's	s files.	
	-		IMPROV	 EMENTS TO	TAL \$	2,000.00
3. Cost to Cure (Cura	able items only)					
N/A	 		COST	TO CURE TO	TAL \$	0
				GRAND TO	TAL \$	18,000.00
Comments:						
						
estimate; that this est present or contempla If the total of this es	r and Approver: I hereby of imate is based on data conted future personal interest timate is over \$10,000, (1 nd (2) the owner must be	tained in the files of in this property or) this estimate m u	of the agency and to in any benefit from Ist be prepared by	hat I have no the acquisition someone o	direct or income on of this protection of the contraction of the contr	direct, operty.
Preparer Signature:		X	Kevin D. Kilpatr	ick Da	ite <u>4</u> /	/4/18
NCDOT Approval Signature:	But m. wkt) teduset	(Bert Whitehurs	s t) Da	ite _4/	6/2018
TEMPORARY EASE	MENT TOTAL \$ _1,450.00	PER	MANENT EASEM	ENT TOTAL S	\$ <u>14,550</u> .	.00

FRM4-N Revised 12-06-2017

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES

TO:	THE CITY O	F NEW BERN	DATE:			
	PO BOX 112 NEW BERN,		TO: Lessee, if Applicable			
COUN		U-5992- 004 CRAVEN 301 FIRST ST	WBS ELEM	EN'	T: <u>47112.2.1</u>	
Dear I	Property Owne	er:				
the ap any in this pr and, it	proved apprai crease or deci oject. The co	sed value for the appropriate legal compe rease in the fair market value of the prope ntingent offer of just compensation is base	nsable interes ity acquired d ed on an analy	st o lue /sis	value of the property and is not less than r interests. The approved value disregards to influence caused by public knowledge of of market data, comparable land sales, is form as it contains pertinent income	
	Value of Rig	tht of Way to be Acquired		\$		
	Value of Pe	rmanent Easements to be Acquired		\$	14,550.00	
	Value of Te	mporary Easement (Rental of Land) to be	Acquired	\$	1,450.00	
	Value of Imp	provements to be Acquired		\$	2,000	
	Damages, if	fany, to Remainder		\$.	
	Benefits, if a	any, to Remainder	minus	\$		
	TOTAL C	ONTINGENT OFFER		\$	18,000.00	
	otal contingent vements.	offer includes all interests other than leas	es involving F	ede	eral Agencies and Tenant owned	
Subje acres	ct property des	e land and effects of the acquisition scribed in Deed Book 1307, page 0551, C 7 acres is being acquired as Permanent U cquired is a temporary construction easen	Itility Easeme	nt v	vith access to NC 55 First St./Country Club	
	he TOTAL CO lianeous lands	NTINGENT OFFER includes payment for scaping	the improven	nen	ts and appurtenances described below:	
		fficient time remaining in the project sched the stipulation that you remove them from				
builda Pleas being with a	ble lot, as exp e note that any environmenta	the appropriate environmental agency sta	he total contir ouildable lot is epartment. Yo	rge cor ou n	nt offer would be: \$_N/A . nditioned upon the remnant/buildable lot may be required to provide the Department	
	_	orm was handed/mailed, if out of state ow	ner, to2	0.	Owner was furnished a copy of	
		ochure/Owner's Letter.				
					My telephone number is(828) 228-3609	
Depar North	Please be advised that the agent signing this form is only authorized to recommend settlement to the North Carolina Department of Transportation, and any recommended settlement is not a binding contract unless and until accepted by the North Carolina Department of Transportation by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.					
	lay Laywa					
		(Signed)	Rav D	orn	nan, SRWA - Right of Way Agent	
			٠ رس،		······· - · · · · · · · · · · · · · · ·	



Vaughn & Meiton

Consulting Engineers 3115 Trent Road New Bern, North Carolina 28562 828-228-3609 www.vaughnmelton.com

April 20, 2018

THE CITY OF NEW BERN PO BOX 1129 NEW BERN, NC 28563

RE: NCDOT Sidewalk Improvements, SR 1200 (First Street/Country Club Rd.) Project 44634.3.1; Tax Map #8-011-153-C; Parcel 001

Dear Honorable Mayor Dana Outlaw:

As you may be aware, the North Carolina Department of Transportation is planning to mill and resurface First Street/Country Club Road (SR 1200) from the intersection of Country Club Road and Pembroke Avenue, Craven County, North Carolina. The project includes construction of sidewalk on the western side of the project from Pembroke Avenue to Neuse Boulevard, and on the eastern side of the project from Lawson Creek Park to Neuse Boulevard. In order to provide these improvements, the NCDOT must obtain an easement on your property. For your information, I have enclosed a map that indicates the areas of your property affected by this project.

Please contact me at your earliest convenience at 828-228-3609, to discuss the project with you and in order for us to schedule a meeting to discuss this project in detail. Thank you in advance for your cooperation and I look forward to meeting with you.

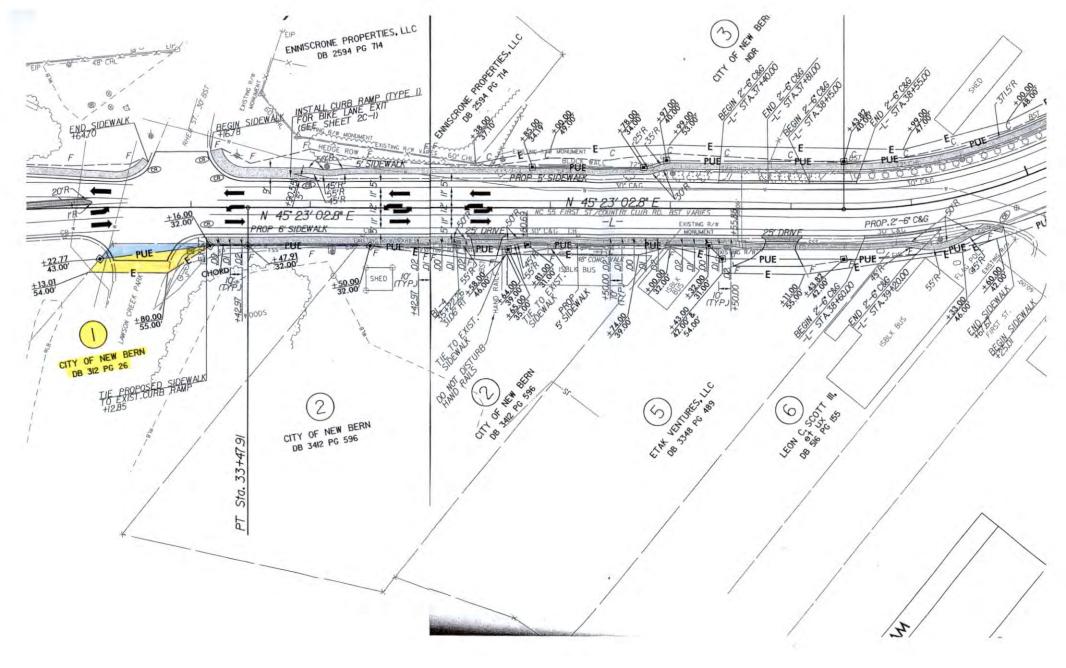
Sincerely,

Ray Dorman, SR/WA

Vaughn & Melton Consulting Engineers, Inc.

RD/id

CC: Brenda Blanco, City of New Bern Clerk





Vaughn & Melton

Consulting Engineers 3115 Trent Road New Bern, North Carolina 28562 828-228-3609 www.vaughnmelton.com

April 20, 2018

THE CITY OF NEW BERN PO BOX 1129 NEW BERN, NC 28563

RE: NCDOT Sidewalk Improvements, SR 1200 (First Street/Country Club Rd.) Project 44634:3.1; Tax Map #8-010-023; Parcel 002

Dear Honorable Mayor Dana Outlaw:

As you may be aware, the North Carolina Department of Transportation is planning to mill and resurface First Street/Country Club Road (SR 1200) from the intersection of Country Club Road and Pembroke Avenue, Craven County, North Carolina. The project includes construction of sidewalk on the western side of the project from Pembroke Avenue to Neuse Boulevard, and on the eastern side of the project from Lawson Creek Park to Neuse Boulevard. In order to provide these improvements, the NCDOT must obtain an easement on your property. For your information, I have enclosed a map that indicates the areas of your property affected by this project.

Please contact me at your earliest convenience at 828-228-3609, to discuss the project with you and in order for us to schedule a meeting to discuss this project in detail. Thank you in advance for your cooperation and I look forward to meeting with you.

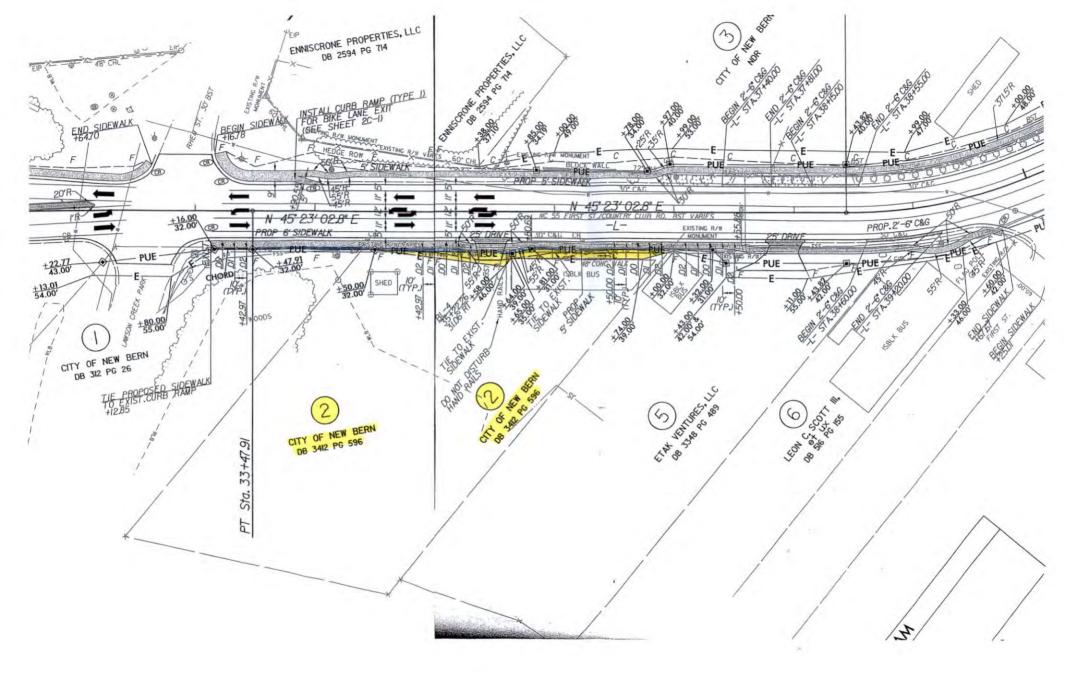
Sincerely,

Ray Dorman, SR/WA

Vaughn & Melton Consulting Engineers, Inc.

RD/id

CC: Brenda Blanco, City of New Bern Clerk





Vaughn & Melton

Consulting Engineers 3115 Trent Road New Bern, North Carolina 28562 828-228-3609 www.vaughnmelton.com

April 20, 2018

THE CITY OF NEW BERN PO BOX 1129 NEW BERN, NC 28563

RE: NCDOT Sidewalk Improvements, SR 1200 (First Street/Country Club Rd.) Project-44634.3.1; Tax Map #8-011-153-C; Parcel 003

Dear Honorable Mayor Dana Outlaw:

As you may be aware, the North Carolina Department of Transportation is planning to mill and resurface First Street/Country Club Road (SR 1200) from the intersection of Country Club Road and Pembroke Avenue, Craven County, North Carolina. The project includes construction of sidewalk on the western side of the project from Pembroke Avenue to Neuse Boulevard, and on the eastern side of the project from Lawson Creek Park to Neuse Boulevard. In order to provide these improvements, the NCDOT must obtain an easement on your property. For your information, I have enclosed a map that indicates the areas of your property affected by this project.

Please contact me at your earliest convenience at 828-228-3609, to discuss the project with you and in order for us to schedule a meeting to discuss this project in detail. Thank you in advance for your cooperation and I look forward to meeting with you.

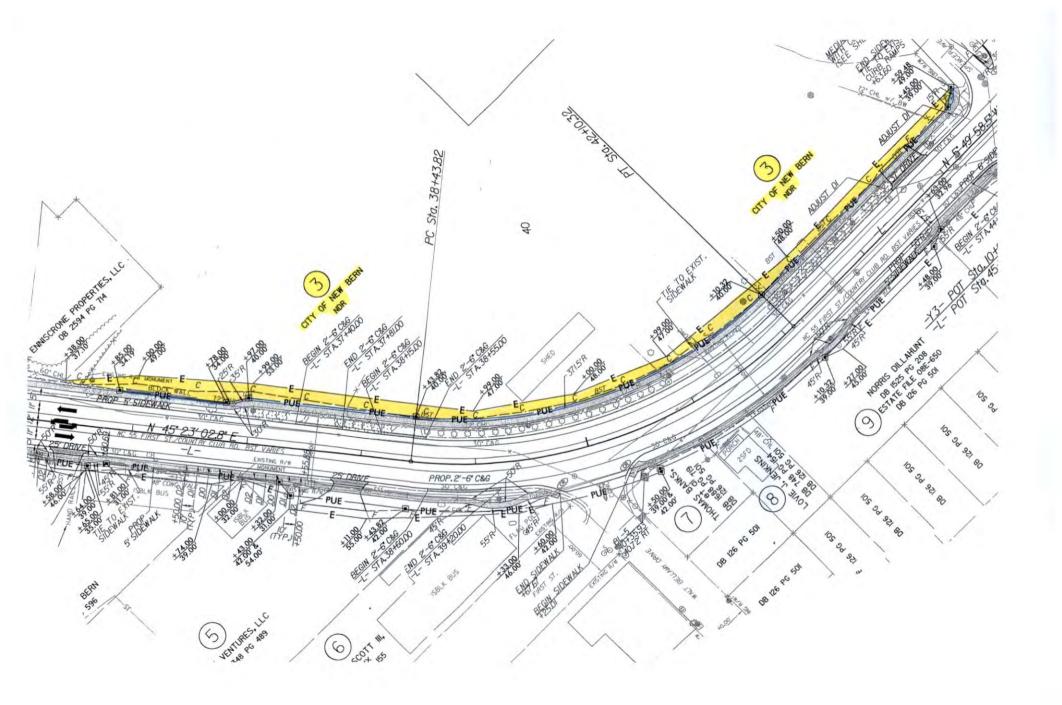
Sincerely,

Ray Dorman, SR/WA

Vaughn & Melton Consulting Engineers, Inc.

RD/id

CC: Brenda Blanco, City of New Bern Clerk





Vaughn & Melton

Consulting Engineers 3115 Trent Road New Bern, North Carolina 28562 828-228-3609 www.vaughnmelton.com

April 20, 2018

THE CITY OF NEW BERN PO BOX 1129 NEW BERN, NC 28563

RE: NCDOT Sidewalk Improvements, SR 1200 (First Street/Country Club Rd.) Project 44634.3.1; Tax Map #8-001-140; Parcel 004

Dear Honorable Mayor Dana Outlaw:

As you may be aware, the North Carolina Department of Transportation is planning to mill and resurface First Street/Country Club Road (SR 1200) from the intersection of Country Club Road and Pembroke Avenue, Craven County, North Carolina. The project includes construction of sidewalk on the western side of the project from Pembroke Avenue to Neuse Boulevard, and on the eastern side of the project from Lawson Creek Park to Neuse Boulevard. In order to provide these improvements, the NCDOT must obtain an easement on your property. For your information, I have enclosed a map that indicates the areas of your property affected by this project.

Please contact me at your earliest convenience at 828-228-3609, to discuss the project with you and in order for us to schedule a meeting to discuss this project in detail. Thank you in advance for your cooperation and I look forward to meeting with you.

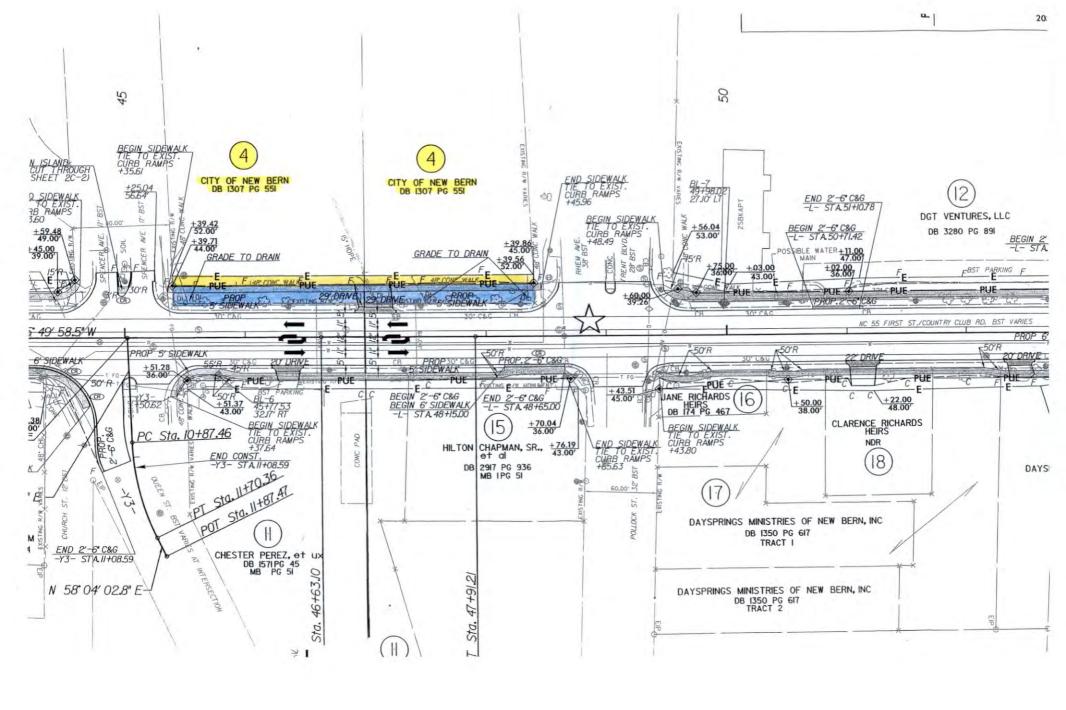
Sincerely,

Ray Dorman, SR/WA

Vaughn & Melton Consulting Engineers, Inc.

RD/jd

CC: Brenda Blanco, City of New Bern Clerk



AGENDA ITEM COVER SHEET

Agenda Item Title:

Resolution Approving a revision to Purchasing Policy for the City of New Bern

Date of Meeting 6/26/18	Ward # if applicable N/A
Department Finance	Person Submitting Item: Joseph R. Sabatelli, Director of Finance
Call for Public Hearing Yes No	Date of Public Hearing
Explanation of Item:	
	fied to reflect a new requirement from the Federal pecific language that Federal purchasing requirements are utilized.
Actions Needed by Board:	
Adopt resolution approving the revision	on to the purchasing policy
Is item time sensitive? ☐ Yes ✓ No	
Will there be advocates/opponents a	at the meeting?□Yes ☑No
Backup Attached:	
Memo, resolution, purchasing policy,	underlined purchasing policy
Cost of Agenda Item: N/A	
If this item requires an expenditure, certified by the Finance Director:	has it been budgeted and are funds available and]Yes No
Additional notes:	



Office of the Director of Finance

TO:

City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM:

JR Sabatelli, CPA – Director of Finance

DATE:

June 15, 2018

RE:

Resolution approving revision to the Purchasing Policy

Background

On December 12, 2017, the Board adopted a resolution approving Administrative Order 1.6 – Purchasing Policy. A local government's authority to make purchases and contracts is derived from the North Carolina Legislature and is subject to such limitation and restrictions as it may impose. Additionally, the City periodically receives Federal funding from FEMA, grants and other activities. Federal Uniform Guidance (2 C.F.R. Part 200.318(a)) requires procurement policies be in writing and reference compliance with Federal procurement laws by July 1, 2018. After further review, the following changes are recommended in order to align with the Federal Uniform Guidance:

 Page 4 – The following additional language has been added to comply with Federal requirements: "Any procurement related to federal funding shall be procured in a manner that complies with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), as well as State law, Local policies and granting agency requirements."

Requested Action

It is recommended that the Board adopt the enclosed resolution at its meeting on June 26, 2018.

RESOLUTION ADOPTING A REVISION TO THE PURCHASING POLICY

WHEREAS, North Carolina municipalities have been delegated the authority to enter into contracts and purchase contracts of goods and services necessary to carry out the functions of the local government; and

WHEREAS, sound fiscal policy dictates that written policies exist to guide and control said contracts to assure that operating departments are making the necessary purchases in an appropriate and consistent manner, so that the best pricing and quality can be obtained; and

WHEREAS, the Director of Finance and Purchasing/Warehouse Manager have updated the City's Purchasing Policy containing the regulations for the departments to follow, and the City Manager has recommended the revised Purchasing Policy to the Board of Aldermen for adoption; and

WHEREAS, the Board of Aldermen have reviewed the proposed revision to the purchase policy and wish to adopt it;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT:

- 1. The Purchasing Policy dated June 2018, which is attached and incorporated herein by reference, is hereby adopted; and
- 2. Any purchasing practices or policies previously in force are hereby repealed to the extent that any portion or provision thereof is in conflict with the attached policy; and
 - 3. The effective date of this policy shall be June 26, 2018.

ADOPTED this 26th day of June 2018.

BRENDA E. BLANCO, CITY CLERK

DANA E. OUTLAW, MAYOR

CITY OF NEW BERN ADMINISTRATIVE ORDERS OF THE CITY MANAGER

ADMISTRATIVE ORDER 1.6 PURCHASING POLICY	
From: Mark Stephens, City Manager	
Maintained By: Finance	
Approved By: Board of Aldermen	
Date: June 2018	
Update to December 2017 Policy	

Purpose

A local government's authority to make purchases and contracts is derived from the North Carolina Legislature and is subject to such limitations and restrictions as it may impose. One of the key principles of the legal requirements is to ensure accountability, fair competition and to achieve best price/value for the public finance. Legal requirements must be followed or a contract is deemed void and unenforceable. The provisions within this policy shall be in compliance with the North Carolina General Statutes (N.C.G.S.). In the event a conflict is identified, the General Statutes take precedent over this policy, and the provisions of the policy will be updated as required.

A considerable portion of the City of New Bern's (the "City") expenditures is for purchases of goods and services. These expenditures flow through the City's purchasing systems. This purchasing policy establishes rules and regulations to secure purchases and contracts to the lowest *responsive and responsible* bidder or supplier with the best overall value to the City. This policy is to be used in conjunction with the Purchasing Manual issued by the Department of Finance.

This policy is subject to modification at any time by the Board of Aldermen.

Purchasing Office

Purchasing goods and services for the operation of the city is a major responsibility. The Purchasing/Warehouse Division (the "Purchasing Office") is under the supervision of the Director of Finance. The Purchasing/Warehouse Manager (the "Purchasing Manager"), by way of delegation of the Director of Finance, has complete authority and responsibility for the control and supervision of the entire purchasing process. The term Purchasing Office includes the Purchasing Manager as well as all personnel within this division whose responsibilities involve activities associated with the purchasing process.

The responsibility for policy, oversight, and training is located in the purchasing office; however, it is not practical for the purchasing office to procure all goods and services needed. To this extent, departments are delegated authority to make purchases subject to limitations established in the Purchasing Manual. Accordingly, under the guidance of the purchasing office, it is the responsibility of ALL City Departments to achieve economical and effective procurement of goods and services needed in the right quality and quantity, on a timely basis, as efficiently as possible, and at the best overall value. To achieve this objective, the purchasing function seeks to foster as much competition as possible.

Procedures Manual

A separate document called the <u>Purchasing Manual</u> will:

- A. Include this policy and may be modified at any time as deemed necessary, provided that the procedures remain within the framework of this policy.
- B. Provide more procedural required and detailed instructions to City employees for use in executing the purchasing policy.
- C. Establish and implement a system of internal controls that provide reasonable assurance that the City is in compliance with North Carolina General Statutes (the "N.C.G.S") and this policy. All City personnel shall be subject to the provisions within the procedures manual.

It is the responsibility of the Purchasing Office to prepare and maintain the Purchasing Manual that details the purchasing process and any delegated duties. This Purchasing Manual shall include this policy and must be approved by the Director of Finance.

Duties of the Purchasing Office

The general duties of the Purchasing Office shall include the following:

- A. Provide proposed amendments to the purchasing policy following changes in the purchasing statutes or rules.
- B. Recommend periodic modifications for improvements that will enhance the efficiency and effectiveness of the purchasing function.
- C. Guide City departments in the procurement of goods and services in compliance with state and local laws.
- D. Prepare and maintain a procedures manual that will be used by all departments of the City.
- E. Supervise procurement transactions for all goods and services for the City.
- F. Provide adequate training necessary for department personnel to adhere to the provisions within this policy and the procedures manual.

- G. Seek competitive bids on goods and services in order to secure the most advantageous prices. Specifications shall not be written so as to limit competition or exclude any qualified vendors.
- H. Establish and maintain a current list of prequalified vendors.
- I. Supervise the City's procedures for the disposal of surplus property and surplus property records.
- J. Approve and issue all purchase orders and the encumbrance of purchase orders into the accounting system.
- K. Retain documentation of all purchasing records in accordance with the City's Public Records Policy (Administrative Order 1.2), which shall be subject to public inspection at any time.
- L. Report to the Director of Finance any actions by City personnel that are in violation of N.C.G.S., this policy, approved purchasing procedures, or any other serious actions that are not deemed to be in the best interest of the City.

Authorizations

For the purpose of this policy, <u>contracts</u> include signed agreements between the City and the supplier to buy/sell. However, not every arrangement that the city makes to buy goods or services is by a formal contract or agreement and are referred to as "non-traditional" (hereinafter <u>purchase contracts</u>) which include invoices, purchase orders, and procurement card purchases.

Approval of Purchase Contracts

The annual budget adopted by the Board of Alderman (the "Board") serves as *approval* for all purchases and contracts set forth in the budget. However, competitive bidding may be required, depending on the dollar value of the contract or purchase contract. See requirements further below.

The Board must approve any additional funds not budgeted through a budget amendment. The Director of Finance is responsible for presenting **ALL** budget amendments for Board consideration. Department Heads have the authority to delegate purchasing authority within their respective departments to the extent practicable in order to make purchases as quickly and cost-effectively as possible, considering the costs of administering purchasing activities as well as the purchase price, and in accordance with this policy.

Delegation is *always* in writing. Individuals to whom authority is delegated should be properly trained and fully cognizant of both city purchasing rules and the responsibilities that come with delegation.

Award of Competitively Bid Purchase and Contracts

GOVERNING STATUTES AND POLICIES

The awarding of Bids is primarily guided by Article 8 of Chapter 143 of the N.C.G.S. which details the procedures for the letting of public contracts for municipalities and other local governments.

Accordingly the City MUȘT comply with the applicable statutes and policies relating to competitive bids before awarding the types of purchases and contracts. Appendix A details specific General Statute references and requirements. The Purchasing Manager, subject to Director of Finance approval, is authorized to update Appendix A of this policy from time to time in accordance with changes to General Statutes without Board of Aldermen Approval.

Any procurement related to federal funding shall be procured in a manner that complies with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), as well as State law, Local policies and granting agency requirements.

The following lines of authority to award bids for all purchases of apparatus, supplies, materials, technology goods or equipment:

Regardless of amount
 - City Manager or Designee
 (As long as part of approved budget)

• If not part of approved budget and amount exceeds \$90,000 - must be formally bid and requires Board approval

The following lines of authority shall be observed in the award of bids for all Construction/Building repair contracts:

Includes "Vertical" construction such as new buildings, renovations and "non-vertical" construction (utility lines, roads, etc.)

• Less than \$500,000 - City Manager or Designee

• \$500,000 and more - Board of Aldermen (legal requirement is \$500,000 and more)

Architect, Engineer, Surveyor, or Construction Manager at Risk services ("Mini-Brooks Act" services) contracts –

Less than \$50,000 -City Manager or Designee

• \$50,000 or more. - Board of Aldermen (legal requirement)

Bank Financing Terms - Board of Aldermen (legal requirement)

Annual Audit Contract - Board of Aldermen (legal requirement)

Service and Lease Contracts (Excludes Construction Services)

Although the N.C.G.S. does not impose requirements upon service contracts, the City shall demonstrate equal opportunity for service and lease contracts by soliciting bids where there is a competitive market for the service or lease and when it is in the best interest of the City. The standard of award shall be made to the best overall proposal.

Contracts for services include janitorial, grounds maintenance, as well as contracts for professional services, such as attorneys and auditors.

The following lines of authority shall be observed in the award of bids for all service contracts:

• Less than \$500,000 - City Manager or Designee

• \$500,000 and more - Board of Aldermen (no legal requirement)

Small Dollar Purchases (Less than \$5,000)

Purchases amounting to less than \$5,000 may be made without seeking competition; however employees are encouraged to actively seek the most value for each purchase. The Purchasing Office may direct purchases to other sources if better value is available.

Multiyear Contracts

Generally, state statutes allow the City to enter into contracts that extend beyond the current fiscal year. The statutes allow the City to enter into continuing contracts. Sufficient funds to meet the amounts to be paid during the fiscal years under continuing contracts previously entered into shall be appropriated unless the contract reserves the right for the Board to limit or not make such appropriation. When feasible, multiyear contracts shall contain a "non-appropriation" clause within the contract terms and conditions to reserve this right.

Evaluation of Bids

The focus of purchasing is on achieving the best overall value for the City's dollar (**not always low bidder**). Therefore, for most purchases it is essential to consider the *full* costs of acquiring and owning goods, and privately provided services, as opposed to just the cost of buying them. Bids are evaluated based on price, quality and service, and **not** strictly on price. The standard for awards is made to the *responsive and responsible* bidder whose price is the lowest and offers the best overall value.

Proposals are evaluated partly on price and partly on other factors. These factors can include the extent to which the proposal demonstrates that the offeror understands the City's needs, the experience of the offeror and its personnel in providing similar items or services, the total cost of ownership over the life of the item or service, and the quality of the approach the offeror presents for delivering the needed services. Award is made to the *responsive and responsible* offeror whose proposal is most advantageous to the City. In the interests of fairness, evaluation criteria are disclosed in the request for proposal (RFP).

A *responsive* bidder or offeror is one who responds to all of the significant requirements outlined in the solicitation. A *responsible* bidder or offeror is one who is deemed capable of supplying the goods or services requested in the solicitation.

Bid Protests

Bid protest procedures shall be included in the Purchasing Manual and must be included in bid packets during advertisement.

EXCEPTIONS AND WAIVERS FROM COMPETITION

Certain situations may allow or require different processes for acquisition. N.C.G.S. 143-129 defines a number of exemptions to the competitive bidding requirements. Refer to the <u>City Purchasing Manual</u> for detailed instructions on Waiver of Competitive Bidding.

The following categories of purchases are exempt from the competitive bidding requirements established in N.C.G.S. 143-129.

1) Special Circumstances

- a. Sole Source Purchases
- b. Emergency Purchases
- c. Gasoline, fuel, or oil
- d. Use of Unit's Own Forces (force account work)

2) Existing Contracts

- a. State and Federal Contracts
- b. Previously Bid or "Piggybacking" Contracts

3) Direct Purchases

- a. Purchases from other Units of Government
- b. Group or Cooperative Purchasing Programs
- c. Purchase of Used Goods

The most common competitive bidding exemptions are more fully described below. Note that these exemptions apply only to the method of procurement and not to who can award the contract. Unless otherwise indicated, the contract award authority requirements still apply to purchases under these exemptions.

Sole Source: N.C.G.S. 142-129(e) (6)

The Statute requires approval by the Board and advertisement of intent to award.

This exemption to the bidding laws applies to the solicitations of goods both formal and informal (not construction) when:

- 1) Performance or price competition for a product is not available;
- 2) A needed product is available from only one source of supply; or
- 3) Standardization or compatibility is the overriding consideration.

Note: Only one source of supply (not only one manufacturer)

Emergency Purchases: N.C.G.S. 143-129(e) (2))

Applies to informal and formal purchases and construction/repair.

The Statute does not require Board approval

In case of emergencies, the City Manager and Department heads or his/her designee may purchase directly from any vendor, supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, or safety of the people or their property.

- Applies to purchases and construction/repair.
- Emergency must be present, immediate and existing. Purchases may only be made to stop the immediate threat, thus allowing time to bid appropriately and adhere to normal purchasing requirements.
- FEMA procurement requirements will apply in presidentially declared disasters. Generally, FEMA requires a competitive process.

Fuel Purchases: N.C.G.S. 143-129(e)(5)

City must use informal bidding requirements even if purchase is in the formal cost range. The Statute does <u>not</u> require Board approval

- Applies to purchases of:
 - Gasoline
 - Diesel fuel
 - Alcohol fuel
 - Motor Oil
 - Fuel Oil
 - Natural Gas

Use of Unit's Own Forces (force account work): N.C.G.S. 143-135

Applies to construction/repair (not purchases)

Statutes require Board approval

- Construction work performed by City's own officers or employees
- Total cost of project under \$125,000 or
- Total cost of labor under \$50,000
- Must file owner-builder affidavit
- Purchase of materials used on the project still subject to competitive bidding requirements.
- The City must keep accurate records of entire cost of project.

State and Federal Contracts: N.C.G.S. 143-129(e) (7), (e) (9), (e) (9a));

Note: State Contracts are established by the Stote Division of Purchase and Contract.

The Statute does <u>not</u> require Board approval

Objective is to obtain more favorable prices through volume purchasing, reduce lead time and administrative effort.

- Applies to formal and informal purchases (not construction).
- Purchasing same item from same vendor.
- Vendor must agree to sell at the same or more favorable prices, terms, and conditions.
- Includes State Purchase contracts, Information technology purchases through Information Technology Goods and Services awarded by the North Carolina Department of Information Technology, and Federal agency contracts.

Piggybacking: N.C.G.S. 143-129(g)

Applies to formal purchases only
The Statute requires approval by the Board
Public notice required at least 10 Days before Board meeting on item

The so-called "piggybacking" exception authorizes local governments to purchasing the same item from the same vendor without competitive bidding from a person or entity that has, within the previous twelve (12) months, contracted to furnish an item to any other state public agency, including subdivisions, anywhere in the country. Specifically, the previous contract must have been awarded by the federal government, any federal agency, any state government or state agency, or any local government - anywhere in the country.

Other requirements include:

- 1. Every effort must be made to determine that the price and terms offered by the supplier are as good as or better than those that could be obtained through competitive bidding.
- 2. The exception applies to the purchase of apparatus, supplies, materials or equipment within the formal bid requirements (\$90,000 or greater).
- 3. The exception does not apply to any construction or repair contracts in the formal or informal purchasing range.
- 4. The price and terms must be as good as or better than those that could be obtained through formal bidding, and the item specification must be the same.
- 5. Purchases may be made under the piggyback authority only when the Board determines it to be in the best interest of the City.
- 6. Public notice may be given by publication or electronic means.
- 7. Additional requirements apply as outlined in the City Purchasing Manual.

Purchases from other units of government: N.C.G.S. 143-129(e) (1)

Applies to formal and informal purchases and leases.

The statutes do not require Board approval.

- Purchases <u>directly</u> from federal, state, or local governments anywhere in the U.S.A. (NOT PURCHASING FROM A VENDOR).
- Includes bidding on surplus sales

Group or Cooperative Purchasing Programs: N.C.G.S. 143-129(e) (3)

Applies to formal and informal purchases.

The statutes do not require Board approval.

- Must be a formally organized program
- Purchases were obtained through a competitive bidding process
- Items must have been offered at discount prices to at least two (2) public agencies

<u>Purchase of Used Goods</u>: N.C.G.S. 143-129(e) (10)

Applies to formal and informal purchases.

The statutes do not require Board approval.

- Can purchase from public and private entities
- Does not include the following goods:
 - o Remanufactured
 - o Refabricated
 - o Demo

Other Exceptions to Competitive Bidding Requirements:

Change Order N.C.G.S. 143-129 (e) (4)

Construction and Repair

Applies to Informal and formal construction/repair.

Statute does not require approval from the Board.

Construction/repair work undertaken during the progress of a competitively bid project that is within the scope of the original project.

Guaranteed Energy Savings Contract (GESC) N.C.G.S. 143-129 (e) (8)

Construction and Repair

Applies to informal and formal construction/repair and related purchases.

Statute requires Board approval if financing of project subject to LGC approval

GESC for improvements to existing facilities to achieve energy savings sufficient to pay for the costs of improvements over the term of the contract.

Note: Request for proposal process required under Article 3B of Chapter 143

Trade-In: N.C.G.S. 143-129.7

Applies to informal and formal purchases.

Statue does <u>not</u> require approval from the Board.

Purchases of Goods and Services from Nonprofit Work Centers for the blind and severely disabled: N.C.G.S. 148-48

Refers to purchases from a nonprofit work center for the blind and severely disabled.

Applies to informal and formal purchases

Statue does not require approval from the Board

Procurement of Architectural, Engineering, and Surveying Services

Pursuant to N.C.G.S. 143-64.32, the City is hereby allowed exemptions to be in writing per project from the provisions of Article 3D of the North Carolina General Statutes on particular projects where an estimated professional fee is an amount less than fifty thousand dollars (\$50,000). The City Manager or his/her designee is hereby authorized to negotiate and sign contracts for architectural, engineering and surveying services when the estimate amount of the contract is less than fifty thousand (\$50,000) and the funds to pay for the contracted services are properly appropriated.

Director of Finance Pre-Audit Certification

N.C.G.S. 159-28(a) requires that ALL written contracts, including but not limited to service contracts, authorizations to purchase, purchase orders or other documents requiring payment, MUST contain the "preaudit" certification by the Director of Finance or Deputy Finance Officer required by the Local Government Budget and Fiscal Control Act.

City Manager Authorization

As noted earlier in the policy, the City Manager is authorized by the Board to make certain purchasing awards and decisions. The following authorizations are established:

- The City Manager or his/her designee may award/approve and execute/sign contracts that are not required to be bid or which G.S. 143-131 allows letting by informal bids so long as the budget or appropriate capital project ordinance or capital reserve fund contains sufficient appropriated but unencumbered funds for such purposes. As indicated earlier a preaudit certification by the Director of Finance or his/her Deputy is required.
- 2) On behalf of the City, the City Manager or his/her designee may enter into and execute change orders or amendments to construction contracts when the appropriate capital project fund contains sufficiently appropriated but unencumbered funds allocated for such construction projects. As indicated earlier a preaudit certification by the Director of Finance or his/her Deputy is required.
- 3) The City Manager may exercise his/her authority to designate and authorize the Assistant City Manager and/or Department Heads to award (approve) and execute (sign) contracts. The designation must be by a written memorandum of delegation filed with the City Clerk, the City

Attorney, and the Director of Finance. Department Heads may NOT further delegate the awarding or execution of formal contracts. The City Manager/Assistant City Manager shall approve all formal contracts during a Department Head's absence.

4) The City Manager or his/her designee will present to the Board for approval any service or purchase contract required by a granting organization to meet Local, State or Federal grant program requirements.

Minority Business Enterprise Goal

Pursuant to N.C.G.S. 143-128.2 it is the policy of the City to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to, construction projects, supplies and materials purchase, and professional and personal service contracts based on "good-faith efforts" as outlined and detailed as mandated in the above referenced state statute.

Local Preferences - Buy Local

Spend it here -- Keep it here?

The City, like all local governments in North Carolina, does not have specific authority to establish preferences in awarding contracts, such as preferences for local or minority contractors. A local preference would conflict with the legal requirement in both the formal and informal bidding range that contracts be evaluated strictly on value. As discussed earlier in this policy, bid awards are made to the responsive and responsible bidder whom provides the best value.

Although some may think it economically or politically desirable, it is not legal to assume that a local contractor is more responsible than others under this standard for awarding contracts. Preferences or targeted contracting efforts for the City may be permissible; however, this is not the case for contracts that are not subject to the competitive bidding requirements, such as service contracts, or contracts below the minimum bid threshold.

Appendix A: General Statute References

Formal bidding (estimated cost of contract)

Construction or repair contracts \$500,000 and above G.S. 143-129

Purchase of apparatus, supplies, materials, and equipment \$90,000 and above G.S. 143-129

Informal bidding (actual cost of contract)

Construction or repair contracts \$30,000 to formal limit G.S. 143-131

Purchase of apparatus, supplies, materials, and equipment \$30,000 to formal limit G.S. 143-131

Construction methods authorized for building projects Over \$300,000 G.S. 143-128(a1)

Separate Prime (estimated cost of project)

Single Prime

Dual Bidding

Construction Management at Risk (G.S. 143-128.1)

Design-Build and Design-Build Bridging (G.S. 143-128.1A; G.S. 143-128.1B)

Public Private Partnership (P3) (G.S. 143-128.1C)

Historically Underutilized Business (HUB) requirements

Building construction or repair projects

- Projects with state funding (verifiable 10% goal required) \$100,000 or more G.S. 143-128.2(a)
- Locally funded projects (formal HUB requirements) \$300,000 or mare G.S. 143-128.2(j)
- Projects in informal bidding range (informal HUB requirements) \$30,000 to \$500,000* G.S. 143- 131(b)
- *Note: Formal HUB requirements should be used for informally bid projects costing between \$300,000 and \$500,000

Limit on use of own forces (force account work) G.S. 143-135

Construction or repair projects

(not to exceed)

\$500,000 (total project cost) or

\$200,000 (labor only cost)

Bid bond or deposit

Construction or repair contracts (at least 5% of bid amount) Formal bids (\$500,000 and above) G.S.143-129(b)

Purchase contracts Not required

Performance/Payment bonds

Construction or repair contracts (100% of contract amount) Each contract over \$50,000 of G.S. 143-129(c);

project costing over \$300,000 G.S. 44A-26

Purchase contracts Not required

General contractor's license required \$30,000 and above G.5. 87-1

Exemption Force account work (see obove)

Owner-builder affidavit required Force account work (see above) G.S. 87-14(a)(1)

Use of licensed architect or engineer required

Nonstructural work \$300,000 ond above G.S. 133-1.1(a)

Structural repair, additions, or new construction \$135,000 and above

Repair work affecting life safety systems \$100,000 and above

Dollar limits and statutory authority as of November 1, 2016

CITY OF NEW BERN ADMINISTRATIVE ORDERS OF THE CITY MANAGER

ADMISTRATIVE ORDER 1.6	
PURCHASING POLICY	
To: All City Employees	
From: Mark Stephens, City Manager	
Maintained By: Finance	
Approved By: Board of Aldermen	
Date: December 2017 June 2018	
Update to December 2017 Policy	

Purpose

A local government's authority to make purchases and contracts is derived from the North Carolina Legislature and is subject to such limitations and restrictions as it may impose. One of the key principles of the legal requirements is to ensure accountability, fair competition and to achieve best price/value for the public finance. Legal requirements must be followed or a contract is deemed void and unenforceable. The provisions within this policy shall be in compliance with the North Carolina General Statutes (N.C.G.S.). In the event a conflict is identified, the General Statutes take precedent over this policy, and the provisions of the policy will be updated as required.

A considerable portion of the City of New Bern's (the "City") expenditures is for purchases of goods and services. These expenditures flow through the City's purchasing systems. This purchasing policy establishes rules and regulations to secure purchases and contracts to the lowest responsive and responsible bidder or supplier with the best overall value to the City. This policy is to be used in conjunction with the Purchasing Manual issued by the Department of Finance.

This policy is subject to modification at any time by the Board of Aldermen.

Purchasing Office

Purchasing goods and services for the operation of the city is a major responsibility. The Purchasing/Warehouse Division (the "Purchasing Office") is under the supervision of the Director of Finance. The Purchasing/Warehouse Manager (the "Purchasing Manager"), by way of delegation of the Director of Finance, has complete authority and responsibility for the control and supervision of the entire purchasing process. The term Purchasing Office includes the Purchasing Manager as well as all personnel within this division whose responsibilities involve activities associated with the purchasing process.

The responsibility for policy, oversight, and training is located in the purchasing office; however, it is not practical for the purchasing office to procure all goods and services needed. To this extent, departments are delegated authority to make purchases subject to limitations established in the Purchasing Manual. Accordingly, under the guidance of the purchasing office, it is the responsibility of ALL City Departments to achieve economical and effective procurement of goods and services needed in the right quality and quantity, on a timely basis, as efficiently as possible, and at the best overall value. To achieve this objective, the purchasing function seeks to foster as much competition as possible.

Procedures Manual

A separate document called the **Purchasing Manual** will:

- A. Include this policy and may be modified at any time as deemed necessary, provided that the procedures remain within the framework of this policy.
- B. Provide more procedural required and detailed instructions to City employees for use in executing the purchasing policy.
- C. Establish and implement a system of internal controls that provide reasonable assurance that the City is in compliance with North Carolina General Statutes (the "N.C.G.S") and this policy. All City personnel shall be subject to the provisions within the procedures manual.

It is the responsibility of the Purchasing Office to prepare and maintain the Purchasing Manual that details the purchasing process and any delegated duties. This Purchasing Manual shall include this policy and must be approved by the Director of Finance.

Duties of the Purchasing Office

The general duties of the Purchasing Office shall include the following:

- A. Provide proposed amendments to the purchasing policy following changes in the purchasing statutes or rules.
- B. Recommend periodic modifications for improvements that will enhance the efficiency and effectiveness of the purchasing function.
- C. Guide City departments in the procurement of goods and services in compliance with state and local laws.
- D. Prepare and maintain a procedures manual that will be used by all departments of the City.
- E. Supervise procurement transactions for all goods and services for the City.
- F. Provide adequate training necessary for department personnel to adhere to the provisions within this policy and the procedures manual.

- G. Seek competitive bids on goods and services in order to secure the most advantageous prices. Specifications shall not be written so as to limit competition or exclude any qualified vendors.
- H. Establish and maintain a current list of pregualified vendors.
- I. Supervise the City's procedures for the disposal of surplus property and surplus property records.
- J. Approve and issue all purchase orders and the encumbrance of purchase orders into the accounting system.
- K. Retain documentation of all purchasing records in accordance with the City's Public Records Policy (Administrative Order 1.2), which shall be subject to public inspection at any time.
- L. Report to the Director of Finance any actions by City personnel that are in violation of N.C.G.S., this policy, approved purchasing procedures, or any other serious actions that are not deemed to be in the best interest of the City.

Authorizations

For the purpose of this policy <u>contracts</u> include signed agreements between the City and the supplier to buy/sell. However, not every arrangement that the city makes to buy goods or services is by a formal contract or agreement and are referred to as "non-traditional" (hereinafter <u>purchase contracts</u>) which include invoices, purchase orders, and procurement card purchases.

Approval of Purchase Contracts

The annual budget adopted by the Board of Alderman (the "Board") serves as **approval** for all purchases and contracts set forth in the budget. **However, competitive bidding may be required, depending on the dollar value of the contract or purchase contract**. See requirements further below.

The Board must approve any additional funds not budgeted through a budget amendment. The Director of Finance is responsible for presenting *ALL* budget amendments for Board consideration. Department Heads have the authority to delegate purchasing authority within their respective departments to the extent practicable in order to make purchases as quickly and cost-effectively as possible, considering the costs of administering purchasing activities as well as the purchase price, and in accordance with this policy.

Delegation is *always* in writing. Individuals to whom authority is delegated should be properly trained and fully cognizant of both city purchasing rules and the responsibilities that come with delegation.

Award of Competitively Bid Purchase and Contracts

GOVERNING STATUTES AND POLICIES

The awarding of Bids is primarily guided by Article 8 of Chapter 143 of the N.C.G.S. which details the procedures for the letting of public contracts for municipalities and other local governments. Accordingly the City MUST comply with the applicable statutes and policies relating to competitive bids before awarding the types of purchases and contracts. Appendix A details specific General Statute references and requirements. The Purchasing Manager, subject to Director of Finance approval, is authorized to update Appendix A of this policy from time to time in accordance with changes to General Statutes without Board of Aldermen Approval.

Any procurement related to federal funding shall be procured in a manner that complies with all applicable Federal laws, policies, and standards, including those under the Uniform Guidance (2 C.F.R. Part 200), as well as State law, Local policies and granting agency requirements.

The following lines of authority to award bids for all purchases of apparatus, supplies, materials, technology goods or equipment:

- Regardless of amount City Manager or Designee (As long as part of approved budget)
- If not part of approved budget and amount exceeds \$ 90,000 must be formally bid and requires
 Board approval

The following lines of authority shall be observed in the award of bids for all Construction/Building repair contracts:

Includes "Vertical" construction such as new buildings, renovations and "non-vertical" construction (utility lines, roads, etc.)

Less than \$ 500,000 - City Manager or Designee

\$ 500,000 and more
 Board of Aldermen (legal requirement is \$ 500,000 and

more)

Architect, Engineer, Surveyor, or Construction Manager at Risk services ("Mini-Brooks Act" services) contracts –

Less than \$50,000 -City Manager or Designee

\$50,000 or more.
 Board of Aldermen (legal requirement)

Bank Financing Terms - Board of Aldermen (legal requirement)

Annual Audit Contract - Board of Aldermen (legal requirement)

Service and Lease Contracts (Excludes Construction Services)

Although the N.C.G.S. does not impose requirements upon service contracts, the City shall demonstrate equal opportunity for service and lease contracts by soliciting bids where there is a competitive market for the service or lease and when it is in the best interest of the City. The standard of award shall be made to the best overall proposal.

Contracts for services include janitorial, grounds maintenance, as well as contracts for professional services, such as attorneys and auditors.

The following lines of authority shall be observed in the award of bids for all service contracts:

Less than \$ 500,000

- City Manager or Designee

\$ 500,000 and more

- Board of Aldermen (no legal requirement)

Small Dollar Purchases (Less than \$5,000)

Purchases amounting to less than \$5,000 may be made without seeking competition; however employees are encouraged to actively seek the most value for each purchase. The Purchasing Office may direct purchases to other sources if better value is available.

Multiyear Contracts

Generally, state statutes allow the City to enter into contracts that extend beyond the current fiscal year. The statutes allow the City to enter into continuing contracts. Sufficient funds to meet the amounts to be paid during the fiscal years under continuing contracts previously entered into shall be appropriated unless the contract reserves the right for the Board to limit or not make such appropriation. When feasible, multiyear contracts shall contain a "non-appropriation" clause within the contract terms and conditions to reserve this right.

Evaluation of Bids

The focus of purchasing is on achieving the best overall value for the City's dollar (not always low bidder). Therefore, for most purchases it is essential to consider the *full* costs of acquiring and owning goods, and privately provided services, as opposed to just the cost of buying them. Bids are evaluated based on price, quality and service, and not strictly on price. The standard for awards is made to the *responsive and responsible* bidder whose price is the lowest and offers the best overall value.

Proposals are evaluated partly on price and partly on other factors. These factors can include the extent to which the proposal demonstrates that the offeror understands the City's needs, the experience of the offeror and its personnel in providing similar items or services, the total cost of ownership over the life of the item or service, and the quality of the approach the offeror presents for delivering the needed services. Award is made to the *responsive and responsible* offeror whose proposal is most advantageous to the City. In the interests of fairness, evaluation criteria are disclosed in the request for proposal (RFP).

A *responsive* bidder or offeror is one who responds to all of the significant requirements outlined in the solicitation. A *responsible* bidder or offeror is one who is deemed capable of supplying the goods or services requested in the solicitation.

Bid Protests

Bid protest procedures shall be included in the Purchasing Manual and must be included in bid packets during advertisement.

EXCEPTIONS AND WAIVERS FROM COMPETITION

Certain situations may allow or require different processes for acquisition. N.C.G.S. 143-129 defines a number of exemptions to the competitive bidding requirements. Refer to the <u>City Purchasing Manual</u> for detailed instructions on Waiver of Competitive Bidding.

The following categories of purchases are exempt from the competitive bidding requirements established in N.C.G.S. 143-129.

1) Special Circumstances

- a. Sole Source Purchases
- b. Emergency Purchases
- **c.** Gasoline, fuel, or oil
- d. Use of Unit's Own Forces (force account work)

2) Existing Contracts

- a. State and Federal Contracts
- b. Previously Bid or "Piggybacking" Contracts

3) Direct Purchases

- a. Purchases from other Units of Government
- b. Group or Cooperative Purchasing Programs
- c. Purchase of Used Goods

The most common competitive bidding exemptions are more fully described below. Note that these exemptions apply only to the method of procurement and not to who can award the contract. Unless otherwise indicated, the contract award authority requirements still apply to purchases under these exemptions.

Sole Source: N.C.G.S. 142-129(e) (6)

The Statute requires approval by the Board and advertisement of intent to award.

This exemption to the bidding laws applies to the solicitations of goods both formal and informal (not construction) when:

- 1) Performance or price competition for a product is not available;
- 2) A needed product is available from only one source of supply; or
- 3) Standardization or compatibility is the overriding consideration.

Note: Only one *source of supply* (not only one manufacturer)

Emergency Purchases: N.C.G.S. 143-129(e) (2))

Applies to informal and formal purchases and construction/repair.

The Statute does not require Board approval

In case of emergencies, the City Manager and Department heads or his/her designee may purchase directly from any vendor, supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, or safety of the people or their property.

- Applies to purchases and construction/repair.
- Emergency must be present, immediate and existing. Purchases may only be made to stop the immediate threat, thus allowing time to bid appropriately and adhere to normal purchasing requirements.
- FEMA procurement requirements will apply in presidentially declared disasters. Generally, FEMA requires a competitive process.

Fuel Purchases: N.C.G.S. 143-129(e)(5)

City must use informal bidding requirements even if purchase is in the formal cost range. The Statute does <u>not</u> require Board approval

- Applies to purchases of:
 - Gasoline
 - Diesel fuel
 - Alcohol fuel
 - Motor Oil
 - Fuel Oil
 - Natural Gas

Use of Unit's Own Forces (force account work): N.C.G.S. 143-135

Applies to construction/repair (not purchases)
Statutes require Board approval

- Construction work performed by City's own officers or employees
- Total cost of project under \$ 125,000 or
- Total cost of labor under \$ 50,000
- Must file owner-builder affidavit
- Purchase of materials used on the project still subject to competitive bidding requirements.
- The City must keep accurate records of entire cost of project.

State and Federal Contracts: N.C.G.S. 143-129(e) (7), (e) (9), (e) (9a));

Note: State Contracts are established by the State Division of Purchase and Contract.

The Statute does not require Board approval

Objective is to obtain more favorable prices through volume purchasing, reduce lead time and administrative effort.

- Applies to formal and informal purchases (not construction).
- Purchasing same item from same vendor.
- Vendor must agree to sell at the same or more favorable prices, terms, and conditions.
- Includes State Purchase contracts, Information technology purchases through Information Technology Goods and Services awarded by the North Carolina Department of Information Technology, and Federal agency contracts.

Piggybacking: N.C.G.S. 143-129(g)

Applies to formal purchases only
The Statute requires approval by the Board
Public notice required at least 10 Days before Board meeting on item

The so-called "piggybacking" exception authorizes local governments to purchasing the same item from the same vendor without competitive bidding from a person or entity that has, within the previous twelve (12) months, contracted to furnish an item to any other state public agency, including subdivisions, anywhere in the country. Specifically, the previous contract must have been awarded by the federal government, any federal agency, any state government or state agency, or any local government - anywhere in the country.

Other requirements include:

- 1. Every effort must be made to determine that the price and terms offered by the supplier are as good as or better than those that could be obtained through competitive bidding.
- 2. The exception applies to the purchase of apparatus, supplies, materials or equipment within the formal bid requirements (\$90,000 or greater).
- 3. The exception does not apply to any construction or repair contracts in the formal or informal purchasing range.
- 4. The price and terms must be as good as or better than those that could be obtained through formal bidding, and the item specification must be the same.
- 5. Purchases may be made under the piggyback authority only when the Board determines it to be in the best interest of the City.
- 6. Public notice may be given by publication or electronic means.
- 7. Additional requirements apply as outlined in the City Purchasing Manual.

Purchases from other units of government: N.C.G.S. 143-129(e) (1)

Applies to formal and informal purchases and leases.

The statutes do not require Board approval.

- Purchases <u>directly</u> from federal, state, or local governments anywhere in the U.S.A. (NOT PURCHASING FROM A VENDOR).
- Includes bidding on surplus sales

Group or Cooperative Purchasing Programs: N.C.G.S. 143-129(e) (3)

Applies to formal and informal purchases.

The statutes do <u>not</u> require Board approval.

- Must be a formally organized program
- Purchases were obtained through a competitive bidding process
- Items must have been offered at discount prices to at least two (2) public agencies

Purchase of Used Goods: N.C.G.S. 143-129(e) (10)

Applies to formal and informal purchases.

The statutes do <u>not</u> require Board approval.

- Can purchase from public and private entities
- Does not include the following goods:
 - o Remanufactured
 - o Refabricated
 - o Demo

Other Exceptions to Competitive Bidding Requirements:

Change Order N.C.G.S. 143-129 (e) (4)

Construction and Repair

Applies to Informal and formal construction/repair.

Statute does not require approval from the Board.

Construction/repair work undertaken during the progress of a competitively bid project that is within the scope of the original project.

Guaranteed Energy Savings Contract (GESC) N.C.G.S. 143-129 (e) (8)

Construction and Repair

Applies to informal and formal construction/repair and related purchases.

Statute requires Board approval if financing of project subject to LGC approval

GESC for improvements to existing facilities to achieve energy savings sufficient to pay for the costs of improvements over the term of the contract.

Note: Request for proposal process required under Article 3B of Chapter 143

Trade-In: N.C.G.S. 143-129.7

Applies to informal and formal purchases.

Statue does not require approval from the Board.

<u>Purchases of Goods and Services from Nonprofit Work Centers for the blind and severely disabled:</u> N.C.G.S. 148-48

Refers to purchases from a nonprofit work center for the blind and severely disabled.

Applies to informal and formal purchases
Statue does not require approval from the Board

Procurement of Architectural, Engineering, and Surveying Services

Pursuant to N.C.G.S. 143-64.32, the City is hereby allowed exemptions to be in writing per project from the provisions of Article 3D of the North Carolina General Statutes on particular projects where an estimated professional fee is an amount less than fifty thousand dollars (\$50,000). The City Manager or his/her designee is hereby authorized to negotiate and sign contracts for architectural, engineering and surveying services when the estimate amount of the contract is less than fifty thousand (\$50,000) and the funds to pay for the contracted services are properly appropriated.

Director of Finance Pre-Audit Certification

N.C.G.S. 159-28(a) requires that ALL written contracts, including but not limited to service contracts, authorizations to purchase, purchase orders or other documents requiring payment, MUST contain the "preaudit" certification by the Director of Finance or Deputy Finance Officer required by the Local Government Budget and Fiscal Control Act.

City Manager Authorization

As noted earlier in the policy, the City Manager is authorized by the Board to make certain purchasing awards and decisions. The following authorizations are established:

- The City Manager or his/her designee may award/approve and execute/sign contracts that are not required to be bid or which G.S. 143-131 allows letting by informal bids so long as the budget or appropriate capital project ordinance or capital reserve fund contains sufficient appropriated but unencumbered funds for such purposes. As indicated earlier a preaudit certification by the Director of Finance or his/her Deputy is required.
- 2) On behalf of the City, the City Manager or his/her designee may enter into and execute change orders or amendments to construction contracts when the appropriate capital project fund contains sufficiently appropriated but unencumbered funds allocated for such construction projects. As indicated earlier a preaudit certification by the Director of Finance or his/her Deputy is required.
- 3) The City Manager may exercise his/her authority to designate and authorize the Assistant City Manager and/or Department Heads to award (approve) and execute (sign) contracts. The designation must be by a written memorandum of delegation filed with the City Clerk, the City Attorney, and the Director of Finance. Department Heads may NOT further delegate the awarding or execution of formal contracts. The City Manager/Assistant City Manager shall approve all formal contracts during a Department Head's absence.
- 4) The City Manager or his/her designee will present to the Board for approval any service or purchase contract required by a granting organization to meet Local, State or Federal grant program requirements.

Minority Business Enterprise Goal

Pursuant to N.C.G.S. 143-128.2 it is the policy of the City to provide minorities and women equal opportunity for participating in all aspects of the City's contracting and procurement programs, including but not limited to, construction projects, supplies and materials purchase, and professional and personal service contracts based on "good-faith efforts" as outlined and detailed as mandated in the above referenced state statute.

Local Preferences - Buy Local

Spend it here -- Keep it here ?

The City, like all local governments in North Carolina, does not have specific authority to establish preferences in awarding contracts, such as preferences for local or minority contractors. A local preference would conflict with the legal requirement in both the formal and informal bidding range that contracts be evaluated strictly on value. As discussed earlier in this policy, bid awards are made to the responsive and responsible bidder whom provides the best value..

Although some may think it economically or politically desirable, it is not legal to assume that a local contractor is more responsible than others under this standard for awarding contracts. Preferences or targeted contracting efforts for the City may be permissible, however, this is not the case for contracts that are not subject to the competitive bidding requirements, such as service contracts, or contracts below the minimum bid threshold.

Appendix A: General Statute References

Formal bidding (estimated cost of contract)

Construction or repair contracts \$500,000 and above G.S. 143-129

Purchase of apparatus, supplies, materials, and equipment \$90,000 and above G.S. 143-129

Informal bidding (actual cost of contract)

Construction or repair contracts \$30,000 to formal limit G.S. 143-131

Purchase of apparatus, supplies, materials, and equipment \$30,000 to formal limit G.S. 143-131

Construction methods authorized for building projects Over \$300,000 G.S. 143-128(a1)

Separate Prime (estimated cost of praject)

Single Prime

Dual Bidding

Construction Management at Risk (G.S. 143-128.1)

Design-Build and Design-Build Bridging (G.S. 143-128.1A; G.S. 143-128.1B)

Public Private Partnership (P3) (G.S. 143-128.1C)

Historically Underutilized Business (HUB) requirements

Building construction or repair projects

- Projects with state funding (verifiable 10% goal required) \$100,000 or more G.S. 143-128.2(a)
- Locally funded projects (formal HUB requirements) \$300,000 or more G.S. 143-128.2(j)
- Projects in informal bidding range (informal HUB requirements) \$30,000 to \$500,000* G.S. 143- 131(b)

*Note: Formal HUB requirements should be used for informally bid projects costing between \$300,000 and \$500,000

Limit on use of own forces (force account work) G.S. 143-135

Construction or repair projects

(nat to exceed)

\$500,000 (total project cost) or

\$200,000 (labor only cost)

Bid bond or deposit

Construction or repair contracts (at least 5% of bid amount) Formal bids (\$500,000 and abave) G.S.143-129(b)

Purchase contracts Not required

Performance/Payment bonds

Construction or repair contracts (100% of contract amount) Each contract over \$50,000 of G.S. 143-129(c);

project costing over \$300,000 G.S. 44A-26

Purchase contracts Not required

General contractor's license required \$30,000 and above G.S. 87-1

Exemption Force account work (see above)

Owner-builder affidavit required Force account work (see abave) G.S. 87-14(a)(1)

Use of licensed architect or engineer required

Nonstructural work \$300,000 and abave G.S. 133-1.1(a)

Structural repair, additions, or new construction \$135,000 and above

Repair work affecting life safety systems \$100,000 and above

Dollar limits and statutory authority as of November 1, 2016

AGENDA ITEM COVER SHEET

Agenda Item Title:

Resolution Authorizing City of New Bern to Engage in Electronic Payments as Defined by G.S. 159-28

Date of Meeting 6/26/18	Ward # if applicable N/A
Department Finance	Person Submitting Item: Joseph R. Sabatelli, Director of Finance
Call for Public Hearing Yes No	Date of Public Hearing
Explanation of Item:	
and disbursement process related to rules. The attached resolution author	lation allowing the LGC to establish rules for the pre-audit electronic transactions. The LGC has established these izes electronic payments and requires the Director of and procedures for administration of these disbursements.
Actions Needed by Board:	
Adopt resolution authorizing electronic	c payments
Is item time sensitive? 🔽 Yes 🗌 No	0
Will there be advocates/opponents a	at the meeting? Yes V No
Backup Attached:	
Memo, resolution	
Cost of Agorda Taoma N/A	
Cost of Agenda Item: N/A	
If this item requires an expenditure, certified by the Finance Director : \Box	has it been budgeted and are funds available and Yes No
Additional notes:	



Office of the Director of Finance

TO: City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM: JR Sabatelli, CPA – Director of Finance

DATE: June 15, 2018

RE: Resolution authorizing electronic payments

Background

In 2015, the NC General Assembly modified General Statute 159-28 (d2) to allow the Local Government Commission to adopt rules to address the execution of the pre-audit and disbursement process related to electronic transactions for local governments. The new rules were effective as of November 1, 2017 and incorporated into the North Carolina Administrative Code as 20 NCAC 03.0409 and 20 NCAC 03.0410, and on March 12, 2018, the LGC provided guidance on the implementation of these rules for local governments. The rules allow for an exemption of the pre-audit certificate and disbursement certificate requirements on electronic transactions (PCards, EFTs, ACH, gas cards, etc) provided the requirements of the administrative code are followed. The rules include, but are not limited to, requirements to adopt a resolution authorizing electronic payments, establishing written policies and procedures, and budget to actual financial reports provided quarterly to the Board.

Current

The attached resolution is the first step in compliance with the requirements of the administrative code. As required, the resolution authorizes the City to engage in electronic payments and authorizes the Director of Finance to establish written policies and procedures for the administration of electronic payments.

Requested Action

It is recommended that the Board adopt the enclosed resolution at its meeting on June 26, 2018.

Resolution Authorizing City of New Bern to Engage in Electronic Payments as Defined by G.S. 159-28

WHEREAS, it is the desire of the Board of Aldermen that the City of New Bern is authorized to engage in electronic payments as defined by G.S. 159-28;

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Aldermen, to adopt a written policy outlining procedures for pre-auditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

WHEREAS, it is the responsibility of the Finance Officer, who is appointed by and serves at the pleasure of the Board of Aldermen, to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410;

NOW, THEREFORE, BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. Authorizes the City of New Bern to engage in electronic payments as defined by G.S.159-28;

Section 2. Authorizes the Finance Officer to adopt a written policy outlining procedures for preauditing obligations that will be incurred by electronic payments as required by NC Administrative Code 20 NCAC 03 .0409;

Section 3. Authorizes the Finance Officer to adopt a written policy outlining procedures for disbursing public funds by electronic transaction as required by NC Administrative Code 20 NCAC 03 .0410; and

Section 4. This resolution shall take effect immediately upon its passage.

ADOPTED THIS 26th DAY OF JUNE, 2018.

	DANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	

AGENDA ITEM COVER SHEET

Agenda Item Title: Consider adopting budget ordinance to amend	. the City Market-Workforce Development Training Center Grant Project Fund.
Date of Meeting 06/26/2018	Ward # if applicable Ward 1
Department Finance	Person Submitting Item: Joseph R. Sabatelli, Director of Finance
Call for Public Hearing ☐ Yes Ⅳ No	Date of Public Hearing
Explanation of Item:	
Grant Project Fund to appropriate \$6	ne City Market - Workforce Development Training Center 19,407 to fully fund the project. This will be funded with till seeking funding from other sources, and therefor this mendments.
Actions Needed by Board:	
Adopt budget ordinance amendment.	
Is item time sensitive? ✓ Yes □ N	0
Will there be advocates/opponents	at the meeting? Yes 🗹 No
Backup Attached:	
Memo, budget ordinance amendmen	t
Cost of Agenda Item: \$619,407	
If this item requires an expenditure certified by the Finance Director :	, has it been budgeted and are funds available and Yes No
Additional notes:	



TO: City M

City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM:

Joseph R. Sabatelli, CPA - Director of Finance

DATE:

June 15, 2018

RE:

Amendment for the City Market-Workforce Development Center Project Fund

Background

On August 9, 2016 the Board of Aldermen adopted an ordinance to establish a grant project fund for the multi-use City Market — Workforce Development Training Center project to improve a 4.6 acre City owned parcel into a workforce development training center, a makerspace for entrepreneurs, and a commissary/training facility for food truck/food service entrepreneurs. The project fund has been amended on occasion to include grants from the EDA, Bate Foundation, Golden Leaf, and a contribution from C1A at the time of commitment.

Current

Development Services team members continue to seek funding from other sources; however, on May 22, 2017, the Board adopted a resolution authorizing the City Manager to execute a contract with Bruin Builders for \$2,310,000. The attached amendment fully funds this contract by appropriating \$619,407 to the project fund. This will be funded with debt proceeds; however, the City will be utilizing in-house inspections as an in-kind contribution. Any additional funding received from other sources will change the City's contribution amount and may result in financing being unnecessary.

Requested Action

It is recommended that the Board adopt the attached budget ordinance amendment at its meeting to be held on June 26, 2018.

AN ORDINANCE TO AMEND THE GRANT PROJECT ORDINANCE City Market - Workforce Development Training Center Grant Project Fund

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT:

Section 1. That Section 3 of the City Market - Workforce Development Training Center Grant Project Fund adopted August 9, 2016, and amended June 27, 2017, July 25, 2017 and November 28, 2018, is hereby further amended to increase revenues to fully fund the project.

Increase: Proceeds of debt \$\\\\$619,407

Section 2. That Section 4 of the City Market - Workforce Development Training Center Grant Project Fund adopted August 9, 2016, and amended June 27, 2017, July 25, 2017 and November 28, 2018, is hereby further amended to increase appropriations for the project in the amount of \$619,407 to fully fund the project.

Increase: Development Services – SRF <u>\$ 619,407</u>

Section 4. This amendment will become effective upon adoption.

ADOPTED, THIS THE 26th DAY OF JUNE 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda	Item	Title:
--------	-------------	--------

Consider Adopting Resolution Approving Declaration of Intent to Reimburse for City Market - Workforce Development Training Center Project

Date of Meeting 06/26/2018	Ward # if applicable Ward 1
Department Finance	Person Submitting Item: Joseph R. Sabatelli, Director of Finance
Call for Public Hearing Tyes V No	Date of Public Hearing
Explanation of Item:	
	icial Intent to Reimburse certain expenditures will provide ted to the City Market - Workforce Development Training
Actions Needed by Board:	
Adopt the resolution for Declarat	ion of Official Intent to Reimburse
Is item time sensitive? Ves No	
Will there be advocates/opponents a	at the meeting?□Yes ☑ No
Backup Attached:	
Memo, Resolution, Decla	ration of Official Intent to Reimburse
Cost of Agenda Item:	
If this item requires an expenditure, certified by the Finance Director:	has it been budgeted and are funds available and Yes No
Additional notes:	



Office of Director of Pinance

FROM: JR Sabatelli, CPA - Director of Finance

DATE: June 15, 2018

RE: Amend Declaration of Official Intent to Reimburse for City Market - Workforce

City Manager, Honorable Mayor and Members of the Board of Aldermen

Development Training Center Project

Background

TO:

The previous agenda item amended the City Market - Workforce Development Training Center Project Fund budget by increasing the project and amount to be provided by debt proceeds of \$619,407. According to IRS regulations, a Declaration needs to be adopted prior to or within sixty (60) days of payment of the expenditures to be reimbursed for items paid prior to obtaining financing agreements for the increased project amount.

Requested Action

It is recommended that the Board adopt the Resolution approving the Declaration of Official Intent to Reimburse at its June 26, 2018 meeting.

RESOLUTION

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That the document entitled "Declaration of Official Intent to Reimburse", a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor is hereby authorized and directed to execute said Declaration for and on behalf of the City of New Bern.

ADOPTED THIS 26TH DAY OF JUNE, 2018.

	DANA E. OUTLAW, MAYOR
BRENDA E. BLANCO, CITY CLERK	_

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

THIS DECLARATION ("Declaration") is made pursuant to the requirements of United States Treasury Regulations § 1.103-18 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations section.

THE UNDERSIGNED, DANA E OUTLAW, Mayor of the City of New Bern, North Carolina, is authorized to declare the official intent of the City of New Bern ("Issuer") with respect to the matters contained herein.

- 1. FUNDS TO BE EXPENDED. The Issuer intends to incur expenditures ("Expenditures") from its City Market Workforce Development Training Center Project fund. The cost to complete this project to be funded with debt proceeds is \$619,407.
- 2. PLAN OF FINANCE. The Issuer intends to finance the cost of the Program described above with the proceeds of debt to be issued by the Issuer ("Obligations").
- 3. MAXIMUM PRINCIPAL AMOUNT OF DEBT TO BE ISSUED. The maximum principal of Obligations to be issued by the Issuer to finance the Program is Six Hundred Nineteen Thousand Four Hundred Seven Dollars (\$619.407).
- 4. DECLARATION OF OFFICIAL INTENT TO REIMBURSE. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Obligations for any of the eligible Expenditures incurred by it prior to the issuance of the Obligations.

THIS 26th DAY OF JUNE, 2018.

THE CITY OF NEW BERN

Ву		
	Dana E. Outlaw, Mayor	

AGENDA ITEM COVER SHEET

Agenda Item Title:

Adopt ordinan	ice amendment to clos	se out the MSD Improvements Project Fund
Date of Meet	ing 6/26/2018	Ward # if applicable <u>Ward 1</u> If multiple, list:
Department	<u>Finance</u>	Person Submitting Item: Joseph R. Sabatelli, Director
Call for Publi	ic Hearing Select	Date of Public Hearing
the final costs	ent is to close out the and revenues are \$50	MSD Improvements Project Fund. The project is complete and 0,641 under budget. This amendment recognizes \$82 in interest quity of \$50,723 to the MSD Fund.
Actions Need	led by Board:	
Adopt grant p	project ordinance amen	idment.
Is item time	sensitive? <u>No</u>	
Will there be	advocates/opponei	nts at the meeting? <u>Select</u>
Backup Attac	:hed:	
Memo and Pro	oject Ordinance	
Cost of Agen	da Item: \$	
	equires an expendit the Finance Director	cure, has it been budgeted and are funds available and : <u>Select</u>
Additional no	otes:	



Office of the Director of Finance

TO: City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM: JR Sabatelli, CPA - Director of Finance

DATE: June 15, 2018

RE: Close out MSD Improvements Project Fund

Background

On May 10, 2016, the Board approved the MSD Improvements Project Fund for streetscape improvements to the 200 block of Hancock Street and 400 block of Pollock Street. The total project budget is \$800,000 and was funded with debt proceeds.

Current

The project is complete and the final costs and revenues came in \$50,641 under budget. This amendment recognizes \$82 in interest income and transfers the residual equity of \$50,723 to the MSD Fund. The following chart summarizes the previous and current budget amendments.

	Current	Requested	Amended	
	Budget	Amendment	Budget	Actual
Revenues:		1		
Interest Earned	-	82.00	82.00	81.67
Proceeds from Debt	800,000.00	-	800,000.00	800,000.00
Total Revenues	800,000.00	82.00	800,082.00	800,081.67
Expenditures				
Downtown Improvement Project	800,000.00	(50,641.00)	749,359.00	749,358.88
Transfer to Other Funds	-	50,723.00	50,723.00	50,722.79
	800,000.00	82.00	800,082.00	800,081.67
Net Difference		- I		<u> </u>

Requested Action

It is recommended that the Board adopt the enclosed amendment at its meeting on June 26, 2018.

AN ORDINANCE TO AMEND THE PROJECT ORDINANCE MSD IMPROVEMENTS PROJECT FUND

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN that:

Section 1. That Section 3 of the MSD Improvements Project Fund ordinance adopted May 10, 2016 and amended January 24, 2017, is hereby amended to increase investment earnings by \$82 to reflect actual revenues received.

Increase: Investment Earnings \$ 82

Section 2. That Section 4 of the MSD Improvements Project Fund ordinance adopted May 10, 2016 and amended January 24, 2017, is hereby amended to reduce appropriations by \$50,723 to reflect actual project costs.

Decrease: Downtown Improvement Project (\$50,641)
Increase: Transfer to Other Funds \$50,723 \\ 82

- Section 3. That the existence of the MSD Improvements Project Fund is hereby closed out as of June 26, 2018.
- Section 4. This amendment shall become effective upon adoption.

ADOPTED, THIS THE 26th DAY OF JUNE 2018.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting Ordinance to Amend the FY2017-18 Operating Budget for Various Funds

Date of Meeting 06/26/18	Ward # if applicable N/A
Department Finance	Person Submitting Item: Joseph R. Sabatelli, CPA
Call for Public Hearing ☐ Yes ☑ No	Date of Public Hearing
Explanation of Item:	
	FY2017-18 Operating Budget for the General, Municipal ic, Employees' Benefit Insurance, Water Capital Reserve
Actions Needed by Board:	
Adopt Budget Ordinance Amendment	t
Is item time sensitive? 📝 Yes 🗌 N	_
	_ _
Will there be advocates/opponents	at the meeting?
Backup Attached:	
Memo; Budget Ordinance Amendmer	nt
Cost of Agenda Item:	
If this item requires an expenditure, certified by the Finance Director:	, has it been budgeted and are funds available and Yes No
Additional notes:	



Office of the Director of Finance

TO: City Manager, Honorable Mayor and Members of the Board of Aldermen

FROM: Joseph R. Sabatelli, CPA - Director of Finance

DATE: June 18, 2018

RE: Amendments to the FY2017-18 Operating Budget

Background Information

This budget ordinance allows for the budget amendments for Fiscal Year 2017-18 to ensure all projected expenditures have sufficient budget and to realign the revenues to equal the appropriations.

The General Fund budget is amended to acknowledge additional costs for Solid Waste, Fire, Public Buildings and Parks & Grounds; redistribute funds within the various divisions of the Park & Recreation and from Information Technology; estimated revenues for solid waste and PILOT transfers from the utility funds are increased. The Electric, Water and Sewer Funds budgets are amended to meet the actual PILOT due. The Electric Fund is amended to redistribute funds within its various divisions. The Water and Sewer Funds are amended to allocate the estimated system development fees to the respective Capital Reserve Funds; the capital reserve funds are adjusted to recognize this increase. The Employees' Benefit Insurance Fund is amended to cover additional health and workers compensation claims costs associated with maintaining these programs.

Requested Action

The Board considers adopting the enclosed budget amendment.

CITY OF NEW BERN, NORTH CAROLINA REQUESTED AMENDMENT TO Fiscal Year 2017-2018

FROM: Joseph R. Sabatelli, Director of Finance Meeting Date: June 26, 2018

EXPLANATION:

This budget ordinance allows for the budget amendments for Fiscal Year 2017-18 to ensure all projected expenditures have sufficient budget and to realign the revenues to equal the appropriations. The General Fund budget is amended to acknowledge additional costs for Solid Waste, Fire, Public Buildings and Parks & Grounds; redistribute funds within the various divisions of the Park & Recreation and from Information Technology; estimated revenues are increased for additional solid waste and Utility Fund PILOT transfers. The Electric, Water and Sewer Funds budgets are amended to meet the actual PILOT due. The Electric Fund is amended to redistribute funds within its various divisions. The Water and Sewer Fund are amended to allocate the estimated system development fees to the respective Capital Reserve Funds; the capital reserve funds are adjusted to recognize this increase. The Employees' Benefit Insurance Fund is amended to cover additional health and workers compensation claims costs associated with maintaining these programs.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT THE 2017-2018 Annual Budget ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule A	A - GENERAL FUND	
Increase:	Parks & Recreation	
	Parks & Grounds	\$ 4,000
	Public Works	
	Public Buildings	5,000
	Solid Waste	30,000
	Fire	65,000
Decrease:	Parks & Recreation	
	Administration	(9,000)
	Information Technology	 (58,494)
		\$ 36,506
Schedule I	B - MUNICIPAL SERVICE DISTRICT FUND	
Increase:	Municipal Service District	\$ 50,723

Schedule C - WATER FUND		
Increase: Interfund Transfers & Transfer Supports		77,749
Water Debt Service		500
Decrease: Water Treatment		(3,249)
	\$	75,000
		
Schedule D - SEWER FUND		
Increase: Interfund Transfers & Transfer Supports		225,840
Decrease: Sewer Collection System Maintenance		(840)
	\$	225,000
Schedule E - ELECTRIC FUND		
Increase: Communications Control	\$	5,000
Interfund Transfers & Transfer Supports		2,917
Electric Debt Service		1,100
Decrease: Distribution O&M		(9,017)
	\$	
Calcadada C. EMBI OVEEC DENEET INCLIDANCE ELIND		
Schedule G - EMPLOYEES' BENEFIT INSURANCE FUND	ć	350,000
Increase: Employee Benefits	\$	330,000
Schedule M - WATER CAPITAL RESERVE FUND		
Increase: Water Capital Reserve	\$	75,000
	<u> </u>	
Schedule N - SEWER CAPITAL RESERVE FUND		
Increase: Sewer Capital Reserve	\$	225,000
		 = :
Section 2 - Estimated Revenues		
Schedule A - GENERAL FUND		
Increase: Charges for Sales & Services	\$	30,000
Transfer from Electric PILOT		2,917
Transfer from Water PILOT		2,749
Transfer from Sewer PILOT		840
	<u>\$</u>	<u>36,506</u>
Schedule B - MUNICIPAL SERVICE DISTRICT FUND		
Increase: Transfer from Other Funds	<u>\$</u>	50,723
a I I I a MATER FUND		
Schedule C - WATER FUND	ب	75.000
Increase: Charges for Sales & Service	÷	75,000

•

Schedule	D - SEWER F	UND				
Increase:	Charges fo	or Sales & Service		<u>\$</u>	225,0	00
Schedule	G - EMPLOY	EES' BENEFIT INSURA	NCE FUND			
Increase:	Fund Bala	nce Appropriated		<u>\$</u>	350,0	00
Schedule	M - WATER	CAPITAL RESERVE FU	ND			
Increase:	Transfer f	rom Water Fund		<u>\$</u>	75,0	00
Schedule	N - SEWER	CAPITAL RESERVE FUN	ND			
Increase:	Transfer f	rom Sewer Fund		\$	225,0	<u>00</u>
NATURE O	OF TRANSAC		BLE FOR APPROPRIATION			
X	TRANSFER WITHIN ACCOUNTS OF SAME FUND					
X	OTHER:	Appropriate Fund B	alance <u>.</u>			
			APPROVED BY THE BOARD OF ALDERMEN AND ENTERED ON MINUTES DATED JUNE 26, 2018 AGENDA ITEM NUMBER			
			BRENDA E. BLANCO, CI	TY CLERK		_



Development Services 303 First Street, P.O. Box 1129 New Bern, NC 28563 (252)639-7581

TO: Alderman Johnnie Ray Kinsey

FROM: Morgan Potts, AICP

City Planner

DATE: June 18, 2018

SUBJECT: Historic Preservation Commission Appointment

Dear Alderman Kinsey,

Mr. John Leys, who was nominated to fill Ms. Nancy Grey's seat, is unable to serve on the Historic Preservation Commission at this time. You are requested to nominate a replacement to fill this important vacancy on the Historic Preservation Commission. The term of office will end May 15, 2021. An appointment is limited to a 3-year term with a maximum of two consecutive terms of office. To aid in the selection process, the City Clerk maintains a file of interested applicants and their resumes.

The Historic Preservation Commission is a "quasi-judicial" administrative board consisting of nine members. The Commission's major responsibilities are to monitor and protect the City's valuable historic and cultural resources. Appointees must have demonstrated special interest, experience or education in history, architecture, archeology or similarly related fields. The Historic Preservation Commission meets twice each month; first in an informal design review at 5:30 p.m. on the first Wednesday of the month and second in a full regular meeting on the third Wednesday of the month at 5:30 p.m. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the position and must attend approximately two hour meetings twice a month and as otherwise needed. It is strongly recommended that whoever is appointed have a strong background in, and familiarity with New Bern's Historic Districts and is capable of allotting the necessary time and effort to historic preservation.

To nominate the person of your choice, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have questions or need additional information, please contact me at 639-7583.



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563 (252)636-4000

MEMORANDUM

TO: Mayor and Board of Aldermen

FROM: Landa Gaskins, Community Development Coordinator

DATE: 5/14/2018

SUBJECT: Community Development Advisory Committee (CDAC) Appointments

Background Information:

The purpose of the Community Development Advisory Committee (CDAC) is to advise the Community Development Staff and to assure that the Community Development Block Grant (CDBG) Citizen Participation of all citizens, including minorities, non-English speaking persons and persons with disabilities. The Community Development Advisory Committee shall consist of six (6) members. All members shall be residents of the City of New Bern. One member shall be appointed from each ward by the Alderman representing that ward.

Regular meetings of the committee are held on the forth (4th) Tuesday of the second (2nd) month of each quarter at 4:30 PM in the Development Services Conference Room, unless otherwise directed by the chairman. At least 50% of the members shall meet the low to moderate income standards established by HUD or be residents of low to moderate income neighborhoods. Members shall be appointed for terms of 3 years.

All terms begin July 1 and end June 30, unless no successor has been named by June 30 to fill an expiring term: in such case the incumbent shall serve until his/her successor is appointed. The appointing authorities may reappoint members whose terms are expiring. All current committee members' terms are subject to end June 30, 2018. The current appointees for Wards 1, 2, and 4 have expressed an interest in being reappointed. The current appointees for Wards 3, 5, and 6 have not expressed an interest in reappointment. This is a list of the current appointments:

Ward 1: Corinne Corr

Ward 2: Carol Williams

Ward 3: Marshall Williams

Ward 4: Vernon Guion

Ward 5: Dell Simmons

Ward 6: Mary Shepard

Recommendation:

The Development Services Department recommends the Board appoint new members and reappoint currently serving members (if appointee sees fit) to the Community Development Advisory Committee.

If you have any questions or need additional information, please let me know.

Aldermen

Sabrina Bengel Jameesha Harris Robert V. Aster Johnnie Ray Kinsey Barbara J. Best Jeffrey T. Odham



300 Pollock Street, P.O. Box 1129 New Bern, NC 28563-1129 (252) 636-4000

Dana E. Outlaw Mayor

Mark A. Stephens City Manager

Memorandum

TO:

Alderman Sabrina Bengel

FROM:

Brenda Blanco, City Clerk

DATE:

June 15, 2018

SUBJECT: Appointment to the Police Civil Service Board

Phil Childrey's appointment to the Police Civil Service Board will expire on June 30, 2018. Pursuant to Article V, Section 5.2 of the City Ordinance, appointees are not allowed to serve consecutive terms. Therefore, a new appointment is needed to fill this two-year seat.

When considering an appointee, please bear in mind the Civil Service Board does not have regularly-scheduled meetings as do most other City Boards and Commissions. Instead, meetings are on an as-needed basis and are almost always held during normal working hours of 8 a.m. to 5 p.m. For this reason, it is prudent for an appointee to have a flexible schedule that would permit attending meetings that are not only conducted during daytime hours, but are also scheduled on relatively short notice.

/beb



TO: Alderman Sabrina Bengal

FROM: Greg McCoy, CZO

Land & Community Development Administrator

DATE: June 20, 2018

SUBJECT: Board of Adjustment Re-appointment

Mr. Richard Parsons term of office as regular member of the City of New Bern Board of Adjustment expires on June 30, 2018. Mr. Parsons has served with distinction and dedication for a three-year term and is eligible to serve an additional term. Staff strongly recommends that Mr. Parsons be reappointed to a final three-year term on the Board of Adjustment. An appointment is limited to a 3-year term with a maximum of two consecutive terms of office.

The Board of Adjustment is quasi-judicial body acting independently from the Board of Aldermen. Board membership is composed of 10 regular and 3 alternate members. Members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the position and must attend approximately two hour meetings on the last Monday night of each month. The Boards major responsibilities are the granting of variances, appeals, and special use permits. Members must have the ability to read and understand complex land ownership and development issues.

To nominate Mr. Parsons or another citizen of your choosing, please provide the contact information to the City Clerk for inclusion on the Board's next meeting agenda. If you have questions or need additional information, please contact me at 639-7585.





Development Services 303 First Street, P.O. Box 1129 New Bern, NC 28563 (252) 639-7581

June 20, 2018

TO:

Alderman Kinsey

FROM:

Greg McCoy, CZO

Land & Community Development Administrator

SUBJECT: Board

Board of Adjustment Appointment

Mr. Benjamin Beasley second term of office ended June 30, 2018. Mr. Tripp Eure expressed a desire to serve as a regular member of the City of New Bern Board of Adjustment for a term beginning June 30, 2018. Mr. Eure served with distinction for two terms as a member of the Historic Preservation Commission and was instrumental in assisting with many projects throughout his term. In addition, he brings several years of land development experience and excellent knowledge of the Land Use Ordinance. Staff strongly recommends Mr. Eure as a board of adjustment member.

An appointment is limited to a 3-year term with a maximum of two terms of service. The Board's major responsibilities are the granting of variances, appeals, and special use permits. Members must have the ability to read and understand complex land ownership and development issues.

The Board of Adjustment is a quasi-judicial body acting independently from the Board of Aldermen. Board membership is composed of 10 regular and 3 alternate members. In addition, members must be able and willing to commit the necessary time and energy to carry out the responsibilities required for the position and must attend regular meetings lasting approximately two hours on the last Monday night of each month.

If you have questions or need additional information, please give me a call at 639-7585.