MIDDLE ISLAND PROPERTY OWNERS ASSOCIATION INFRASTRUCTURE COMMITTEE REPORT

November 4, 2017

Gravel road repair

David Ward has repaired several problem areas, most notably the hill at 59 CCR.

Ponding and erosion on East Beach Drive

David also did a superb job re-building the berm adjacent to 10 East Beach Drive (the site of two previous episodes of major erosion); the repair survived a downpour of 2.3" over 12 hours. We now plan only to place a storm grate at the low point in front of 12 East Beach Drive, with the drain running to a catch basin to settle debris, then to perforated pipe located 30-35' from the MHW mark. Per consultation with Stephen Boyett and DEQ/CAMA in Wilmington, only a local permit is required.

Preliminary evaluation of available road ROW on Cape Creek Road

As you know, much of Cape Creek Road from East Beach Drive to the second Dogwood Ridge intersection has a deeded ROW that is only 20' or 25' wide, an approved width for a private secondary road in a development, but less than the 30' required by Section 26-124 of the Village Ordinances for a public secondary road. At our last meeting, the Board approved an initial effort to determine the width of the available Association property between the private property lines and the MHW mark of Bald Head Creek.

The Chair located 20 iron survey stakes along this section of Cape Creek Road. This coming Wednesday, Stephen Boyett will mark the MHW opposite those stakes, providing an initial indication of the maximum achievable road ROW without voluntary conveyance of private property or the use of eminent domain to take private property. Whether the Village will accept a narrower ROW than required by Section 26-124 – and whether a 40' ROW is required along East Beach Drive between the entrance and the Cape Creek Road intersection – are pivotal issue for conveyance of the roads to the Village.

The attached draft of the decision logic regarding conveyance of our private roads to the Village is provided for Board review.

Asphalt Paving and Road Dedication Working Group

Report will be provided orally.

Gravel Road and Chip Seal Working Group

The Working Group has explored two approaches to lower-cost maintenance of our gravel roads using rental equipment to scarify, to remove larger stones, to shape, and to recompact the roads.

The plan is to test the equipment in January/February on two sections of the western half of Cape Creek Road and decide on an approach to interim maintenance. Availability of water from the hydrants has been confirmed with Utilities, and workers compensation coverage for periodic use of the equipment at no additional cost has been confirmed with our insurer.

The Working Group is also evaluating an alternative to calcium chloride for dust suppression and road consolidation. Several reports, comparison experiments, and environmental tests have been reviewed.

The group also plans to contact Wilson Whitehurst, who previously provided a chip seal quote, and other potential chip seal contractors to firm up our cost estimates.

Cape Creek Dock and Ramp Working Group

A written report reviewed by the Infrastructure Committee will be sent to the Board separately.

Annual Meeting Presentations

The President will outline the general plan to develop a balanced presentation of the road options for meetings of Middle Island property owners in the late spring in preparation for a vote of the owners this coming summer.

The Committee and the Working Groups will summarize their activities to date and outline plans for the coming months. No facts that may be in dispute, no conclusions, and no financial or dues estimates will be presented at this meeting of the property owners.

DRAFT FOR BOARD CONSIDERATION – 11/4/17

Decision Logic – Conveyance of Middle Island Roads to Village

Corner post to MHW informal survey of CCR to 2nd DWRR intersection to identify areas with <30 available ROW (in addition to known, surveyed areas beyond 61 CCR with property on both sides

Measure width of existing base course and issues with 12' paving, 14' base course, 16' clearance. Identify any areas with sight line issues.

Identify areas of CCR subject to tidal flooding (need to be raised during road paving), if any. Identify areas of EBD, DWRR with drainage problems (correct or discuss acceptance with Village)

Jan 2018: Press for clear answer from Council about whether ROW < 30' would be acceptable (and whether 40' would be required on EBD from entrance to CCR intersection). Less crucial: preliminary indication of acceptability of variances in paving, base course, and clearance widths.

ROW <30' acceptable: Proceed with final paving estimates, based on other width requirements 30' ROW required: Examine how to acquire full 30' ROW

- Is Conservancy willing to deed available land within 10' of the road ROW beyond 61 CCR?
- · Are abutting owners willing to deed the necessary ROW?

Necessary ROW deeded voluntarily: Proceed with final paving estimates, based on other width requirements Key property owners decline => cannot dedicate the roads, even with 80% approval. This assumes:

- CAMA / DEQ will not allow creation of ROW through bulkheading and fill of Bald Head Creek marsh, or the cost is prohibitive.
- Involuntary taking of the land through eminent domain is not an option.
 - Logically, involuntary taking would at a minimum require clear demonstration that 80% of lots would then approve conveyance

Vote of property owners re paving and conveying the roads to the Village. Approval requires 80% of lots.

Hold vote of property owners only if Association is prepared to pursue involuntary taking of ROW and legal consultation suggests eminent domain action would succeed in court.

Research Association loans: terms and rates

Board discussion and legal determination regarding whether loan P&I will be treated as an annual special assessment for paving the gravel roads, or as a gravel road expense