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COUNTY OF HENDERSON,
Plaintiff,

FILED N.C.S.C.

Amr

v.

MOTION

SEVEN FALLS LLC, *et al*,
Defendants

NOW COMES the Plaintiff, Henderson County, and moves the Court in the above styled cause as follows:

1. As found in the Plaintiff's motion submitted on February 5, 2015:
 4. The County also held a meeting with the US Army Corps of Engineers (USACE) and the North Carolina Department of Environment and Natural Resources (NCDENR) on January 22, 2015. Representatives from the County, WGLA and ClearWater Environmental Consultants (the company used by WGLA in obtaining USACE approval for the project) participated in the meeting.
 5. At the meeting, the USACE informed the County that contrary to previous discussions, it would not be possible to revive the revoked Seven Falls LLC permit granted by USACE, and it would be necessary for the County to apply for a new Individual Permit. USACE will require a new application and this application must go through the permit review process. At the request of the County, USACE confirmed this in writing to the County by letter dated February 4, 2015, referred to below and attached as an exhibit.
2. NCDENR has communicated to the County that a new permit must be acquired with similar requirements to USACE.
3. WGLA has submitted a proposal with their costs and incorporates the ClearWater Environmental fees. This is attached as an exhibit to this motion.
4. The proposal includes all anticipated work up to and including bidding the project for construction.
5. In the proposal, engineer Will Buie describes the work necessary prior to construction bidding and the cost for each.
6. The cost of permitting with NCDENR and USACE is \$62,500 and includes a stream assessment, application and plan preparation and coordination with other parties including Tennessee Valley Authority (TVA) and Cultural Resource Services.
7. Due to the previously revoked permits and the change in scope of the permits, the County must also apply for new sedimentation and stormwater permits. The cost to applying for these permits is included in the proposal for \$13,000.
8. In order to bid out the project based on the new permits and parameters, WGLA must update the drawings and will assist with the construction bids as is reflected in the proposal. These services will cost \$10,500.
9. There are several items that are not anticipated to be needed but may be required including surveys, geotechnical or soil investigations, landscape design or flood studies. Because there are these activities that the County is unsure whether they will be required and because there may be other matters which were unforeseen, the County would request a 10% contingency amount equaling \$8600.

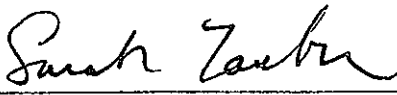
10. The total amount needed to complete the permit and work necessary prior to the bids is \$94,600.
11. In this Court's July 15, 2013 order, the Court reimbursed the County certain costs from the surety bond for service process for Defendants. The County has not been reimbursed since this time. The County has expended certain sums in this cause which are properly Court costs and requests to be reimbursed as it was in the July 15, 2013 order. To this point, these include the following:

Copies of mailings (at \$0.15 each page)	\$229.50
Cost of postcards	\$22.07
Postage for domestic letter mailings	\$172.80
Postage for letters to Canada	\$18.40
Postage for domestic postcards	\$61.20
Postage for Canadian postcards	\$4.60
Service fees for Secretary of State	\$20.00
TOTAL	\$528.57

WHEREFORE, Plaintiff moves the Court to permit it to authorize the amount of \$95,128.57 in order to acquire the necessary federal and state permits in order to start construction.

This the 7 day of April, 2015.

OFFICE OF THE COUNTY ATTORNEY FOR
HENDERSON COUNTY
Attorneys for the Plaintiff, Henderson County

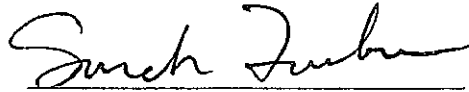
By: 

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing motion has been served on all parties hereto by depositing a copy of the same in a postage prepaid envelope, properly addressed to the persons and entities listed on the attached pages.

This the 7 day of April, 2015.

A handwritten signature in cursive script, reading "Sarah Grace Zambon".

Sarah Grace Zambon
Attorney for Plaintiff