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In the case of lakes, wetlands, and dams within the City of Fayetteville, it shall be the policy of the City Council that City involvement in the maintenance, mitigation, repair, and upgrade of lakes, wetlands, dams, and associated infrastructure shall include the following:

I. Privately Owned Lakes:

All improvements to privately-owned lake bodies including, but not limited to, the construction and maintenance of sedimentation catch basins and the dredging of said lakes shall be performed through private contract and funded entirely by the owners of the lake.

II. Dams with Private Streets, NCDOT Roadways, or No Street Over Them:

All improvements to the dam including, but not limited to, the embankment, pipes and other drainage structures, and any State or private roadway over the dam, shall be performed and funded entirely by the owners of the lake and/or the owner of the roadway over the dam. The City of Fayetteville shall not be involved in the improvements to these facilities nor shall the provisions of Section III of this policy apply.

III. Privately-Owned Dams Supporting City Streets:

Recognizing the public safety value in having a policy to ensure that dams that support City streets are designed, constructed, and maintained properly; and recognizing that the existence of a public street over a dam may impact the classification of a dam; the City Council agrees to participate in the repair of and improvements to privately-owned dams when a City street is supported by the dam as outlined herein:

- a) The City of Fayetteville shall not be involved in the repair and improvements to privately-owned dams when a City street is supported by the dam, except in the event that said damage has resulted from a declared state of emergency or major disaster, and the resulting destruction brought upon the City by such emergency or disaster. Under these circumstances, improvements or repairs that are ineligible or not covered by for state or federal assistance, may be financed through a Special Assessment Project consistent with Section V.

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- b) If the lake is permanently drained, the City shall bear the cost to repair, replace or maintain the storm drain facilities necessary to safely maintain the embankment to support the public street.
- c) If North Carolina Department of Environmental Quality (“NCDEQ”) or other applicable State agency determines that major repairs are required for the dam to continue to impound water and the affected property owners desire to repair the dam, the City shall contribute an amount equal to 110 percent of the expense necessary to preserve the structural integrity of the street including repairs to the pavement, curbs, guardrail, other facilities on top of the dam from shoulder point to shoulder point, street drainage facilities, and the drain pipe beneath the embankment; but not including emergency spillway facilities. The remaining cost of necessary improvements may be funded through the formation of a Special Assessment Project consistent with Section V.
- d) The City of Fayetteville will provide project management and other in-kind assistance such as surveying and roadway design to the extent of expertise and availability of City staff.

IV. Wetland Mitigation:

As part of an economic development incentive package, approved consistent with state and local statute, the City may participate in the cost of wetland mitigation permitted by NCDEQ and other relevant agencies. The City’s support shall be funded through the provisions of Section V.

V. Special Assessment Projects:

- 1. Pursuant to Article 10 § 160A-216, the City is authorized to make special assessments against benefited property within its corporate limits for constructing, reconstructing, extending, and otherwise building or improving dams and drainage systems.
- 2. The City must establish the terms for the Special Assessment Project in accordance with the procedures set forth in Article 10, Chapter 160A of the North Carolina General Statutes. N.C. GEN. STAT. § 160A-216-232.

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VI. City Owned Dams:

In cases where the City owns in fee-simple the complete dam structure:

- a) The City of Fayetteville shall provide routine maintenance and repairs to the dam and associated facilities; and
- b) If a Notice of Deficiency is received from NCDEQ or the City Council otherwise determines that upgrades are required to the dam and associated facilities and it is the desire of the City Council and the affected property owners that the dam continue to impound water, all or part of the upgrade improvements shall be accomplished as outlined in Section III above.

VII. Grants, Federal or State Funding:

Funding provided by a governmental agency or jurisdiction for the purpose of supporting any improvements or operations authorized or contemplated herein shall be applied as follows:

- a) First, to the defeasance of any outstanding debt incurred by the City to fulfill the purpose or perform the services defined in Sections III or IV;
- b) Second, to reimburse the City for expenses incurred on behalf of Special Assessment Projects formed consistent herewith; and,
- c) Third, to reimburse the City for expenses incurred in performing project or activities as contemplated herein without the formation of a Special Assessment Project.

All funding reference herein will be utilized consistent with any terms or conditions identified by the granting agency.

VIII. Public Access:

Any project supported by public funding under the terms of this policy must provide public access to and use of any resulting water amenity. "Public Funding" as used herein shall refer to federal, state, or local tax or fee revenue including any revenue collected through the formation of a Special Assessment Project. Public access amenities may be an explicit service identified as the partial purpose of any Special Assessment Project formed.

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This section should not be read to require the transfer of fee title to a lake bed or dam to the City.