

North Carolina )  
 )  
 Iredell County )

**Memorandum of Understanding**  
 (Mixed Use Development)

This Memorandum of Understanding (“Memorandum”) between the Town of Mooresville (“Town”) and \_\_\_\_\_ (“Developer”) is made in keeping with the terms of the Town’s sewer capacity allocation policy and in order to set out the mutual understandings between Town and Developer concerning the development of property located at \_\_\_\_\_.

It is hereby the understanding of both parties that:

1. The Town owns and operates the Rocky River Waste Water Treatment Plant (“RRWWTP”).
2. Town cannot allocate capacity in the RRWWTP until such time that construction plans are approved by Town and Town has signed a sewer permit application.
3. Developer plans to develop a mixed use development located at \_\_\_\_\_.
4. Developer plans to develop \_\_\_\_\_.
5. It is estimated that this project will need \_\_\_\_\_ gallons per day sewer capacity for the entire project.
6. Developer intends to build the project in \_\_\_\_\_ phase(s).
7. Phase 1 will require sewer allocation of \_\_\_\_\_ gallons per day in the RRWWTP and will require a sewer extension permit.
8. Town will allocate \_\_\_\_\_ gallons per day sewer capacity for Phase 1 in the RRWWTP.
9. Developer acknowledges that the allocation for Phase 1 will allow the development of such Phase.
10. Subsequent phases cannot be considered for sewer allocation until \_\_\_\_ percent (\_\_\_\_%) of each previous phase has been actually occupied.
  - a. Subsequent phases (that is, Phases 2 through \_\_\_\_\_) are estimated as follows:
    - (i) Phase 2 is estimated to contain \_\_\_\_ dwelling units with \_\_\_\_\_ gallons per day of sewer flow.
    - (ii) Phase 3 is estimated to contain \_\_\_\_ dwelling units with \_\_\_\_\_ gallons per day of sewer flow.
11. Developer understands that in order to receive allocation of any phase, Developer must submit all plans required by Town policy and comply with the Town’s sewer allocation policy and all Town policies and procedures and any other state or federal law pertaining to sewer allocation.
12. Developer will report to the Town’s Engineering Division the number of dwelling units that have received certificates of occupancy in each calendar year.
13. It is understood that this Memorandum of Understanding may only be amended at such time that subsequent phases of the subdivision are to be permitted.

Town and Developer sign this Memorandum of Understanding acknowledging having read and agreed to the mutual understandings as set out herein. By his or her signature, Developer also acknowledges receipt of a copy of the Town's sewer allocation policy.

**Town of Mooresville**

**By:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

**Developer**

**By:**

\_\_\_\_\_

**Date:** \_\_\_\_\_

Iredell County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: N. Erskine Smith.

Date: \_\_\_\_\_

(Official Seal)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_ County, North Carolina

I certify that the following person personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: \_\_\_\_\_.

Date: \_\_\_\_\_

(Official Seal)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public

My commission expires: \_\_\_\_\_