



**COUNTY OF CURRITUCK**

Development Services Department  
Planning and Zoning Division  
153 Courthouse Road, Suite 110  
Currituck, North Carolina 27929  
Telephone (252) 232-3055 / Fax (252) 232-3026

May 27, 2022

CERTIFIED MAIL

APVA LLC  
JUSTIN OLD  
417D CARATOKE HWY  
MOYOCK NC 27958

RE: Wentworth at Currituck Reserve Maintenance Transfer

Dear Mr. Old:

This letter requests the status of common facilities and infrastructure maintenance for Wentworth at Currituck Reserve. The county received citizen complaints involving the subdivider's (developer's) failure to meet the Currituck County Unified Development Ordinance (UDO), Section 6.1.4.F. Transfer of Maintenance Responsibility.

Your subdivision includes 101 total lots and 100 percentage of the total lots in the subdivision were sold (100 lots). This is a friendly reminder that Section 6.1.4.F. of the Currituck County Unified Development Ordinance requires the subdivider to transfer the maintenance responsibility of the common areas, features, and private infrastructure to the homeowner's association upon the sale of 75 percent of the lots in the subdivision. The UDO also states that prior to the transfer of maintenance responsibility from the subdivider to the association the following must occur:

*"(3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:*

- (a) At least 75 percent of the total number of lots in the subdivision are sold; and,*
- (b) The subdivider commissions a report prepared by a registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in this Ordinance and the County Code of Ordinances. The report shall also include verification of the reserve fund balance in accordance with the standards in this section; and,*

- (c) *County staff reviews and approves the report prepared by a registered engineer; and*
- (d) *A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association that contains a minimum balance that includes the following:*
  - (i) *Ten percent of the road construction costs for streets not maintained by NCDOT at the time of transfer (gravel base and asphalt only);*
  - (ii) *Except for sidewalks and street trees, ten percent of the construction costs of common features and private infrastructure;*
  - (iii) *Liability insurance and taxes for two years; and,*
  - (iv) *Facilities, stormwater, and landscaping maintenance costs for two years;*

*In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements."*

The county has not received the commissioned report prepared by the registered engineer indicating that all common areas, common features, and infrastructure elements comply with the minimum standards in the UDO, approved plans, and County Code of Ordinances including verification of the association's reserve fund balance.

Please provide a written response to the county within thirty (30) days of receipt of this certified letter that summarizes the status and timeframe of the engineered report and the maintenance transfer of common features and infrastructure to the Wentworth at Currituck Reserve homeowner's association.

Thank you in advance for your assistance. If you have any questions, please contact me at 252-232-6075.

Sincerely,



Kevin Kemp  
Development Services Director

KK/tdg