



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

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Title: Accept Deed of Gift for Forest Creek Open Space Property from Pine Tree Corporation.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Letter of Request and Plat Map, 2. Location Map, 3. Council Questions with Staff Response, 4. A RESOLUTION TO ACCEPT THE DEED OF GIFT FOR THE REAL PROPERTY DESCRIBED AS PIN# 9789-58-1224 AND TO AUTHORIZE THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE THE APPROPRIATE DOCUMENTS (2020-02-26/R-2)

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|---------|--------|
| 2/26/2020 | 1 | Town Council | adopted | Pass |

Accept Deed of Gift for Forest Creek Open Space Property from Pine Tree Corporation.

Staff:

Lance R. Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure
Sue Burke, Senior Engineer

Department:

Public Works

Overview: A letter offering to the Town the conveyance of the Forest Creek Open Space property, owned by the Pine Tree Corporation was received from attorney Holly Alderman, on behalf of John W. Nelley, Jr. Mr. Nelley is the named Treasurer/Secretary of the corporation, which is no longer in business, and the property will otherwise be sold at a tax foreclosure. There is no homeowners’ association, and the property is not encumbered by the recorded restrictive covenants for Forest Creek.

The property is located in the Forest Creek neighborhood immediately upstream of the Piney Mountain Road crossing of Booker Creek. The Revised Final Plat of the Forest Creek development designates the property as open space. It contains an OWASA sewer easement, a drainage easement (Booker Creek), and regulatory floodway and floodplain. In the Council-adopted [Lower Booker Creek Subwatershed Study Report <http://bookercreekplan.org/lower-booker-creek/>](http://bookercreekplan.org/lower-booker-creek/), this area is identified as a proposed flood storage project and is ranked third on the priority list, adopted by the [Chapel Hill Town Council on January 18, 2017 <https://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=2980&meta_id=149030>](https://chapelhill.granicus.com/MetaViewer.php?view_id=21&clip_id=2980&meta_id=149030).

Ms. Alderman states that Mr. Nelley is willing to sign a quit-claim deed to convey the property to the Town on behalf of the corporation, which is permitted in order to wind up the affairs of a dissolved entity.

☆ **Recommendation(s):**

That the Council accept the Deed of Gift for the real property from Pine Tree Corporation, described as PIN# 9789-58-1224 as shown on the “Revised Final Plat Forest Creek,” Plat Book 36, Page 187, and authorize the Town Manager and Town Attorney to execute the appropriate documents.

Key Issue:

- The Town will need a temporary construction easement and permanent drainage easements to construct the project. Obtaining the property at no cost facilitates the project and eliminates the need for easements.

Fiscal Impact/Resources: Accepting the property will have a positive fiscal impact since we would not need to pay for easements. The Town Stormwater Maintenance staff already checks this area as part of its Town-wide check of streams for major snags and obstructions.

 **Attachments:**

- Resolution
- Letter offering to gift, by quitclaim deed, property to the Town, and plat map
- Location Map

A RESOLUTION TO ACCEPT THE DEED OF GIFT FOR THE REAL PROPERTY DESCRIBED AS PIN# 9789-58-1224 AND TO AUTHORIZE THE TOWN MANAGER AND TOWN ATTORNEY TO EXECUTE THE APPROPRIATE DOCUMENTS (2020-02-26/R-2)

WHEREAS, the Town of Chapel Hill has been offered a Deed of Gift for real property described as PIN# 9789-58-1224; and

WHEREAS, the Town of Chapel Hill has identified this property as a proposed flood storage area in the approved Lower Booker Creek Subwatershed Study Report, adopted by the Chapel Hill Town Council on January 18, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the Deed of Gift for the real property from Pine Tree Corporation, described as PIN# 9789-58-1224 as shown on the "Revised Final Plat Forest Creek," Plat Book 36, Page 187, and authorizes the Town Manager and Town Attorney to execute the appropriate documents.

This the 26th day of February, 2020.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council accepts the Deed of Gift for the real property from Pine Tree Corporation, described as PIN# 9789-58-1224 as shown on the "Revised Final Plat Forest Creek," Plat Book 36, Page 187, and authorizes the Town Manager and Town Attorney to execute the appropriate documents.