



TOWN OF CHAPEL HILL

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

Legislation Details (With Text)

File #: [TMP-1550] **Version:** 1 **Name:**
Type: Consent **Status:** Passed
File created: 4/11/2019 **In control:** Town Council
On agenda: 4/11/2019 **Final action:** 4/11/2019
Title: Accept an Easement for the Bolin Creek Trail.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Letter from Owners of Stratford Hills Apartments, 2. Sketch Showing Location of Proposed Easement

Date	Ver.	Action By	Action	Result
4/11/2019	1	Town Council		

Accept an Easement for the Bolin Creek Trail.

Staff:

Linda Smith, Interim Director
Bill Webster, Planning and Development Manager

Department:

Parks and Recreation

Overview: The owners of the Stratford Hills Apartments property on Bolinwood Drive have offered to deed an additional greenway easement to the Town. The proposed easement expansion would be located on the north side of Bolin Creek from Bolinwood Drive to the Town’s Police Department property. The existing trail was built in a 15 foot easement, immediately adjacent to Bolin Creek. The trail has been damaged from floods on a number of occasions, most notably during Hurricane Fran when large sections of the trail were lost. This proposal would expand the size of the current easement to approximately 50 feet wide, which would allow the Town to move the Bolin Creek Trail further from the creek.

☆ **Recommendation(s):**

That the Council adopt the attached resolution, accepting a greenway easement from the owners of Stratford Apartments in order to relocate the Bolin Creek Trail further from Bolin Creek.

Key Issues:

- Staff already planned to rebuild this part of the trail.
- The timing and location of this gift would allow us to relocate the trail away from a flood-prone area at the conclusion of the construction of the Bolin Creek Trail in the coal ash area east of Martin Luther King Jr. Boulevard. We expect to finish this work in the summer of 2019, weather permitting.
- The owners of the property ask that the Town allow the easement area to be counted as Recreation Space requirements during the future redevelopment of the Stratford Hills Apartments property and/or redevelopment of their property at 881 Martin Luther King, Jr Blvd. Language to that effect is included in the attached Resolution.
- The owners of the Stratford Hills Apartments also own a property at 881 Martin Luther King Jr. Boulevard. They request that the Town consider allowing the donated property to count toward Recreation Space requirements when that property is redeveloped. Language to that effect is

included in the Resolution. This language is non-binding but acknowledges that the Town would consider such a request. Note that the easement would count toward the Recreation Space requirement of only one of the two projects, depending on timing of redevelopment(s).

- The owners require that the Town hold the owners harmless from liability related to trail construction, use, and maintenance. The Town typically holds property holders harmless to the greatest extent allowed by State law. Standard language to that effect is included in greenway easements.
- The wider easement would be within the already cleared OWASA sewer easement, which would allow us to move the Bolin Creek Trail without additional tree loss.

Fiscal Impact/Resources: The easement has been offered at no cost to the Town. However, the Town would be responsible for about \$3,000 in fees for surveying and recordation of the deed of easement. We have enough contingency in the Bolin Creek Trail budget to pay these costs. We already have funds in hand for the reconstruction of this section of trail.

Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Resolution
- Letter from Owners of Stratford Hills Apartments
- Sketch Showing Location of Proposed Easement

A RESOLUTION ACCEPTING A GREENWAY EASEMENT AS CONDITIONED FOR THE BOLIN CREEK TRAIL BETWEEN BOLINWOOD DRIVE AND THE POLICE DEPARTMENT PROPERTY (2019-04-10/R-3)

WHEREAS, the Bolin Creek Trail was built within a narrow easement on the edge of Bolin Creek; and

WHEREAS, the property owners of Stratford Hills Apartments have offered to the Town an expanded greenway easement; and

WHEREAS, the offered easement would allow the relocation of the Bolin Creek Trail further from Bolin Creek in an area less prone to flooding.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council accepts the offered greenway easement and in exchange agrees to the following terms:

- The Council acknowledges that the easement area can count toward future Recreation Space requirements during redevelopment of the Stratford Hills Apartments property.
- The Council will also consider allowing the donated property to count toward Recreation Space requirements property at 881 Martin Luther King Jr. Boulevard in the event that it is not used to meet the Recreation Space requirements of Stratford Hills Apartments.
- The Town will execute an agreement to hold the owners harmless from liability related to trail construction, use, and maintenance, to the greatest extent allowed by State law.
- The Town will pay the costs of surveying and recordation of the easement.

This the 10th day of April, 2019.

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 an easement from the owners of the Stratford Hills Apartments property, with conditions.