



## Legislation Details (With Text)

**File #:** [23-0119]      **Version:** 1      **Name:**

**Type:** Consent      **Status:** Held

**File created:** 1/24/2023      **In control:** Town Council

**On agenda:** 2/15/2023      **Final action:** 2/15/2023

**Title:** Grant a Paved Walkway Easement and a Natural Gas Utility Easement on Town-owned Property at 130 E Rosemary St (Portion of Parking Lot 2) and Authorize the Town Manager to Execute the Easements.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 6800-376 OCR Declaration of Restrictive Covenants.pdf, 2. 4858-4262-5855 1 GRUBB 136 E Rosemary Public Access Easement, 3. Town of Chapel Hill natgaseasement, 4. Council Questions with Staff Response

Date	Ver.	Action By	Action	Result
2/15/2023	1	Town Council	deferred	Pass

### Grant a Paved Walkway Easement and a Natural Gas Utility Easement on Town-owned Property at 130 E Rosemary St (Portion of Parking Lot 2) and Authorize the Town Manager to Execute the Easements.

**Staff:**

Chris Blue, Interim Town Manager  
Mary Jane Nirdlinger, Deputy Town Manager  
Dwight Bassett, Director

**Department:**

Manager’s Office  
  
Economic Development and Parking Services

**Overview:**

- The paved walkway easement will extend from the existing Rosemary Street sidewalk to the building entrance in the area.
- The utility easement would allow an existing natural gas line serving the building to be relocated along the western side of the 136 E. Rosemary Street building.
- Both easements would be along the building and within a recorded 30-foot no-build area.

**Background:**

On June 24, 2020, Council approved rezoning the 136/137 property for a redevelopment project.

**No-Build Area/Restrictive Covenants Area**

Both easements would be located adjacent and parallel to the 136 E. Rosemary Street building and within a 30-foot wide area (Restrictive Covenants Area) along the eastern end of Town-owned Parking Lot 2 (Lot 2), upon which the Town has recorded covenants restricting improvements in this area as a short-term solution to addressing fire access issues related to the 136/137 project. The restrictive covenants are revocable by the Town and enforceable only by the Town.

**Construction Staging Area**

Most of the Restrictive Covenants Area is within a wider area along the upper, eastern portion of Lot 2 (with the current address of 130 E. Rosemary Street) over which the Town has granted Grubb Management, LLC (Licensee) a license for a construction staging area serving the 136/137 renovation and other projects as contemplated by the October 14, 2020 Economic Development Agreement between the Town and Grubb Management, LLC (subsequently assigned to Franklin Office Chapel Hill, LLC).

When the construction staging area in the easternmost portion of the Town's Lot 2 is no longer needed, the Licensee will remove asphalt, seed the area with grass, and construct a sidewalk across the area between Rosemary and Franklin streets, including appropriate retaining walls. Further future use of this area has not yet been determined.

### **Proposed Easements**

The proposed 10.5-foot-wide paved walkway easement is for access to the side entrance of 136 E. Rosemary Street adjacent to Lot 2, to serve as the primary access for a future tenant. The proposed 10-foot-wide utility easement will allow for relocating a natural gas line serving the building to along the west side of the 136 E. Rosemary Street building



### **Recommendation(s):**

- That the Council grant a paved walkway easement and a natural gas utility easement over the eastern portion of Lot 2 to benefit property at 136 E. Rosemary Street/137 E. Franklin Street.
- That the Council authorize the Town Manager to execute the two deeds of easement

### **Decision Points:**

- With this action, the Council would grant and authorize the Manager to execute two deeds of easements over a Town-owned parking lot to benefit property at 136 E. Rosemary Street/137 E. Franklin Street (136/137) owned by Franklin Office Chapel Hill, LLC. The easements would support the development of 136 E. Rosemary Street/137 E. Franklin Street (136/137).

### **Key Issues:**

- The 136/137 project is a key part of the Town's Downtown development strategy to attract workers and companies to downtown. Both proposed easements would serve the project.

### **Fiscal Impact/Resources:**

- For the paved walkway easement, the Town will receive compensation from Franklin Office Chapel Hill, LLC in the amount of \$10. The easement also supports the Town's economic development interests in supporting an important attractant of local business Downtown.
- The Town will receive compensation from Dominion Energy in the amount of \$1 for the utility easement.



### **Attachments:**

- Resolution granting a paved walkway easement and authorizing the Town Manager to execute the easement
- Resolution granting a natural gas easement and authorizing the Town Manager to execute the easement
- Declaration of Restrictive Covenants/30-foot no build area
- Proposed paved walkway easement and exhibit
- Proposed natural gas utility easement and exhibit

**A RESOLUTION GRANTING A PAVED WALKWAY EASEMENT AT 100 E, ROSEMARY (LOT 2) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE DEED OF EASEMENT. (2023-02-15/R-2)**

WHEREAS, the 136 E. Rosemary St./137 E. Franklin St. project (136/137) is a key part of the Town's Downtown development strategy, for which Council approved rezoning on June 24, 2020, which was negotiated under an Economic Development Agreement and Conditional Zoning Process in 2020; and

WHEREAS, Franklin Office Chapel Hill, LLC has requested a paved walkway easement to allow access from East Rosemary Street to the side entrance of the 136 E. Rosemary Street building to serve as the primary access for a future tenant; and

WHEREAS, this access would be co-located with existing utilities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council grants a paved walkway easement to Franklin Office Chapel Hill, LLC on Town-owned property located at 130 E. Rosemary Street.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute a deed of easement for a paved walkway easement on Town-owned property substantially similar to the easement attached and described in the February 15, 2023 meeting materials.

This the 15<sup>th</sup> day of February, 2023.

**A RESOLUTION GRANTING A NATURAL GAS UTILITY EASEMENT AT 100 E, ROSEMARY (LOT 2) AND AUTHORIZING THE TOWN MANAGER TO EXECUTE THE DEED OF EASEMENT. (2023-02-15/R-3)**

WHEREAS, the 136 E. Rosemary St./137 E. Franklin St. project (136/137) is a key part of the Town's Downtown development strategy, for which Council approved rezoning on June 24, 2020, which was negotiated under an Economic Development Agreement and Conditional Zoning Process in 2020; and

WHEREAS, Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina, requested a natural gas easement on Town-owned property located at 130 E. Rosemary Street; and

WHEREAS, this easement would be co-located with existing utilities, and

WHEREAS, the 10-foot-wide utility easement will allow for relocating a natural gas line serving the building to along the western side of the 136 E. Rosemary Street building.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council grants a Utility Easement to Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina on Town-owned property located at 130 E. Rosemary Street.

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Council authorizes the Town Manager to execute a deed of easement for a utility easement on Town-owned property substantially similar to the easement attached and described in the February 15, 2023 meeting materials.

This the 15<sup>th</sup> day of February, 2023.

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

By adopting the resolution, the Council grants a Utility Easement to Public Service Company of North Carolina, Incorporated, dba Dominion Energy North Carolina and the Council grants a paved walkway easement to Franklin Office Chapel Hill, LLC for access to the entrance of the 136 E. Rosemary Street building and authorizes the Town manager to execute both easements at 130 E Rosemary (upper Lot 2).