



## Legislation Text

File #: [21-0885], Version: 1

### **Authorize a \$100,000 Contribution To the NC Botanical Garden Foundation's Purchase of Property for Stillhouse Bottom Nature Preserve.**

**Staff:**

Phil Fleischmann, Parks and Recreation Director

**Department:**

Parks and Recreation

**Overview:** On January 27, 2021, the NC Botanical Garden Foundation, Inc. ("Foundation") and the NC Botanical Garden ("Garden") asked the Town for a pledge of \$100,000 to support property acquisition for its Stillhouse Bottom Nature Preserve ("Preserve") located near southern Chapel Hill. Since then, the Foundation has adjusted the request so that it can acquire an approximately 25-acre parcel of undeveloped land which adjoins the current Preserve (Orange County GIS PIN 9787650461). Garden and Foundation representatives attended the Parks, Greenways, and Recreation Commission meeting on October 19, 2021 to request that the Town contribute \$100,000 for acquisition of this approximately 25 acre parcel. The Commission voted to revise its previous recommendation to Council to support a contribution towards the Foundation's current need.

The Foundation's acquisition of this property means that it will remain undeveloped. The Preserve currently consists of 23 acres. Once fully assembled, the Preserve will span 100 acres. It is a State Dedicated Nature Preserve and is part of the larger Morgan Creek Bluffs Significant Natural Heritage Area.



**Recommendation(s):**

That the Council adopt a resolution to authorize a \$100,000 contribution to the NC Botanical Garden Foundation to support property acquisition for the Preserve.

**Decision Points:**

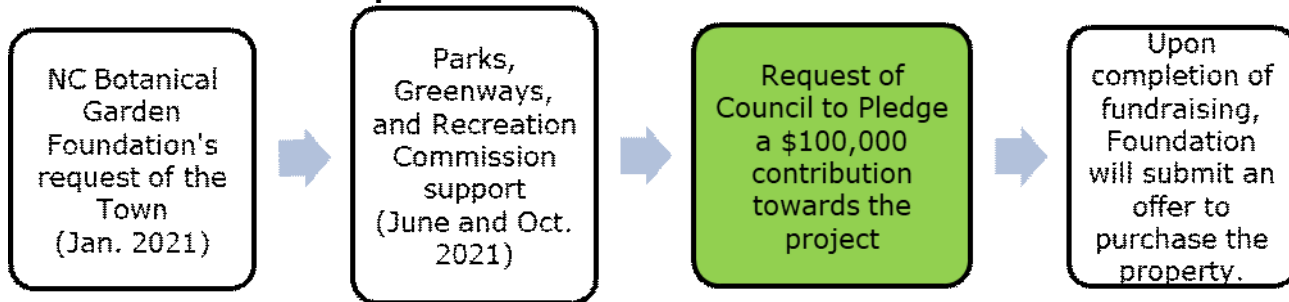
- Does the Council wish to support the NC Botanical Garden Foundation's acquisition of this property by providing a \$100,000 contribution?

**Key Issues:**

- This action is consistent with strategies outlined in the Town's Climate Action Plan, specifically the protection of water quality, natural, and environmental resources; preservation of the area's tree canopy; and enhancement of green infrastructure through partnerships.
- The Town has a long history of partnering with the NC Botanical Garden Foundation to enhance Chapel Hill. This includes supporting a Stillhouse Bottom Nature Preserve purchase of 7 acres in 2010 and a more recent acquisition in 2019 adding 13 acres to the Laurel Hill Nature Preserve.
- Unlike the current Stillhouse Bottom Nature Preserve that limits public access to guided hikes because of steep slopes and site sensitivity, this approximately 25-acre addition to the Preserve will have trails and perpetual public access.
- This contribution will be conditioned upon certain requirements as detailed in the resolution, including having the property bound by a perpetual conservation easement and allowing free public access in perpetuity.
- There are no Town funds currently identified for this purpose. Funds will need to be identified from existing resources and a future budget amendment will be needed in order to allocate funds.

**Fiscal Impact/Resources:** Through authorization of this resolution, a \$100,000 payment to the NC Botanical Garden Foundation will be required upon the Foundation's successful acquisition of the noted property. This is anticipated as early as spring, 2022. As noted above, there are no funds currently earmarked for this project and funding will need to be identified from existing resources.

**Where is this item in its process?**



**Attachments:**

- Resolution
- Parks, Greenways, and Recreation Commission Recommendation (Oct. 2021)
- Request from NC Botanical Garden Foundation and NC Botanical Garden (Jan. 2021)
- Stillhouse Bottom Natural Area Fact Sheet
- Map of Preserve and Subject Property Acquisition

**A RESOLUTION AUTHORIZING \$100,000 CONTRIBUTION TOWARDS NC BOTANICAL GARDEN FOUNDATION'S PURCHASE OF PROPERTY FOR STILLHOUSE BOTTOM NATURE PRESERVE (2021-11-17/R-2)**

WHEREAS, the NC Botanical Garden Foundation, Inc. ("Foundation") and NC Botanical Garden ("Garden") have asked the Town to provide a \$100,000 contribution towards the purchase of approximately 25 acres of privately held property (identified as Orange County GIS PIN 9787650461), which it desires to add to its Stillhouse Bottom Nature Preserve; and

WHEREAS, upon the completion of additional fundraising and pledge receipts, the Foundation intends to enter into an offer to purchase the property from the owner; and

WHEREAS, upon successful acquisition, the Foundation would own the property and dedicate it for conservation purposes, rendering it free from future development; and

WHEREAS, the Town's Parks, Greenways, and Recreation Commission has petitioned the Town Council to support the Foundation's request; and

WHEREAS, the Town, the Garden, and the Foundation have a long history of collaboration, including similar recent land acquisitions for conservation purposes; and

WHEREAS, the Town, the Garden, and the Foundation find this acquisition to be integral to open space conservation efforts in and near southern Chapel Hill.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Town pledges the requested \$100,000 contribution to the NC Botanical Garden Foundation, Inc. to be used towards the purchase of the aforementioned property; and

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that the Town will provide such funds to the Foundation prior to closing on the property; and

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that, prior to the contribution, an executed performance agreement will be required between the Town and the NC Botanical Garden Foundation, Inc. providing that the property will be bound by a perpetual conservation easement and will allow free public access in perpetuity, with reasonable restrictions consistent with the property's use for conservation purposes. The agreement shall further condition the contribution on the Foundation's satisfaction of the requirements of the February 25, 2019 agreement between the Town and the Foundation regarding the Town's contribution towards the Cochrane property acquisition.

This the 17th day of November, 2021.

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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 Town shall pledge the requested \$100,000 contribution towards NC Botanical Garden Foundation's land acquisition to add to its Stillhouse Bottom Nature Preserve and provide the funds to the Foundation prior to closing on the property. An executed performance agreement between the Town and the Botanical Garden Foundation, Inc. will be required. The agreement will require that the property is bound by a perpetual conservation easement and allow for free public access in perpetuity, with reasonable restrictions consistent with the property's use for conservation purposes.