

**MECKLENBURG COUNTY
BOARD OF COMMISSIONERS**

**RESOLUTION APPROVING THE AMENDED AND RESTATED BROOKLYN VILLAGE
INTERLOCAL COOPERATION AGREEMENT BETWEEN MECKLENBURG COUNTY AND
THE CITY OF CHARLOTTE FOR THE INCLUSION OF MARSHALL PARK IN THE
REDEVELOPMENT PLANS FOR BROOKLY VILLAGE**

WHEREAS, beginning in 2007 Mecklenburg County (County) and the City of Charlotte (City) entered into a series of Interlocal Agreements related to the Brooklyn Village Redevelopment Project in support of the Second Ward Neighborhood Master Plan for Uptown Charlotte; and

WHEREAS, the Brooklyn Village Project includes a redevelopment plan in which the County will sell land it owns, which consists of the Former Board of Education site, the existing Marshall Park site, and the Walton Plaza office building and parking lot site, to create a livable and memorable urban neighborhood that will include a mix of uses such as condominiums, apartments, office space, retail, and hotel; and

WHEREAS, Pursuant to the 2007 Interlocal Agreement, the City transferred ownership of Marshall Park (Tax Parcel 125-071-25) to the County for inclusion into the Brooklyn Village Redevelopment conditioned upon the County requiring certain development and program elements in the Master Redevelopment Agreement (MRA) with the selected master developer such as demolition of the former Board of Education Center, demolition of Marshall Park and associated pond structures, certain roadway and storm drainage infrastructure improvements, Public Open Space including an urban park, and agreement that the County would work with the City and Charlotte Housing Authority (CHA) to include a minimum of thirty (30) units of affordable housing for households earning up to 80% of the Area Median Income (AMI); and

WHEREAS, the current Interlocal Agreement between the County and the City dated November 19, 2013 contains a provision that if none of Marshall Park property is sold by the County to a Buyer by December 31, 2019, the City may request that the County convey Marshall Park back to the City at no cost; and

WHEREAS, the County selected BK Partners, LLC (BK) as the Master Developer for the Brooklyn Village Redevelopment Project which includes all of Marshall Park and entered into a MRA with BK on July 10, 2018; and

WHEREAS, the MRA with BK meets or exceeds all of those certain conditions required by the City for the addition of Marshall Park in the redevelopment project including the demolition of the Board of Education Center, certain storm drainage improvements, demolition of Marshall Park, approximately 2.5 acres of Public Open Space (including an urban park).; and

WHEREAS, the County and BK committed to work in good faith to amend the agreements with the City and the Charlotte Housing Authority to align with the requirements for affordable housing required of the Master Developer in its MRA with the County; and

WHEREAS, since the MRA has taken effect, the Master Developer and the County have worked diligently at undertaking certain due diligence activities required of both parties including working in good faith to amend the Interlocal Agreement between the County and City and the Memorandum of Understanding between the County, City and Charlotte Housing Authority; and

WHEREAS, the County and City have agreed to the terms of an Amended and Restated Interlocal Agreement to include that the Master Developer will make available a minimum of

thirty-five (35) housing units in the Brooklyn Village Project for households earning up to 60% AMI and with tenant-based Housing Choice Vouchers for a term of at least thirty (30) years; and

WHEREAS, the Amended and Restated Interlocal Agreement between the County and City further provides that if none of the Marshall Park Property is sold by the County to the Master Developer by December 31, 2029 the County shall convey the Marshall Park Property back to the City if so requested; and

WHEREAS, N.C. Gen. Stat. 160A-461 requires that interlocal agreements “be ratified by resolution of the governing board of each unit spread upon its minutes”; **now, therefore, be it**

RESOLVED by the Mecklenburg County Board of Commissioners that the Board authorizes the County Manager, or her designee, to negotiate and execute an Amended and Restated Brooklyn Village Interlocal Agreement between the County and the City to accomplish the purposes stated above

APPROVED the _____ day of _____, 2019

Approved as to Form:

County Attorney

Clerk to the Board