



Legislation Details (With Text)

File #: 18-4597 **Version:** 1 **Name:** Easement Conveyance and Memorandum of Agreement - Stewart Creek Tributary
Type: Consent **Status:** Consent
File created: 3/19/2018 **In control:** Asset/Facility Management
On agenda: 4/3/2018 **Final action:**
Title: Easement Conveyance and Memorandum of Agreement - Stewart Creek Tributary

Sponsors:

Indexes:

Code sections:

Attachments: 1. Southeastern Land Development Agreement 2.23.18 Revised (002).pdf, 2. 18-4597 Exhibit A.pdf, 3. 18-4597 Exhibit B Insurance Revised.pdf, 4. Stewart Trib TCE

Date	Ver.	Action By	Action	Result
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Title:

Easement Conveyance and Memorandum of Agreement - Stewart Creek Tributary

Summary

ACTION:

- 1. Authorize the County Manager to negotiate and execute a Memorandum of Agreement between the County and Southeastern Land Development, LLC for the remediation of an unauthorized encroachment onto County-owned Tax Parcel 067-031-11**
- 2. Authorize the County Manager to negotiate and execute all documents necessary to grant a Temporary Construction Easement (±0.06 acres) to Southeastern Land Development, LLC on County-owned Tax Parcel 067-031-11 for the remediation of the unauthorized encroachment**
- 3. Recognize and receive payment of \$1,925 from Southeastern Land Development, LLC for payment of a Temporary Construction Easement**

Staff Contact: Katie Daughtry, Asset & Facility Management

Presentation: No

BACKGROUND/JUSTIFICATION:

In May 2017, County staff learned of a ditch that had been dug across County owned property to be used for a future greenway trail along a tributary to Stewart Creek (Tax Parcel 067-031-11). The adjoining property owner, Southeastern Land Development, LLC and developer of the Bryant Park Subdivision in west Charlotte, dug a ditch for the purposes of draining their development's storm water runoff into Stewart Creek which is north of the County's property. Prior to doing so, Southeastern should have secured an easement from the County and shown the proposal on approved development plans, neither of which occurred prior to the developer digging the ditch on the County's property. Since discovery of the unauthorized encroachment caused by the developer, County staff have been working with the developer to remedy the issue, which includes finding an alternate way to drain the storm water pond that didn't require the use of County property.

While a solution has been found for the storm water, the ditch still remains on the property and needs to be filled and the property restored. A Memorandum of Agreement has been drafted that requires Southeastern Land Development, LLC to hire, at its sole expense, Carolina Wetland Services to design and construct a solution that is approved by the County. All work is to be completed within 180 days with the developer providing the County a one (1) year warranty after completion of the work.

To ensure the work is completed satisfactorily, the County will hold a bond in the amount of \$35,000 to cover the cost to design and construct the remediation as well as all legal fees, should the County need to restore the property instead. If the County is satisfied with the work performed by the developer, at the end of the one year warranty period, the developer will pay the County for the legal fees and the bond will be released. A temporary construction easement (± 0.06 acres) must be granted to the developer prior to the start of the remediation work. The cost of the temporary construction easement is \$1,925.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

Receive payment of \$1,925