



Legislation Details (With Text)

File #: 18-5008 **Version:** 1 **Name:** Land and Easement Donation - Mallard Creek Greenway
Type: Consent **Status:** Consent
File created: 10/18/2018 **In control:** Asset/Facility Management
On agenda: 11/7/2018 **Final action:**
Title: Land and Easement Donation - Mallard Creek Greenway
Sponsors:
Indexes:
Code sections:
Attachments: 1. Land and Easement Mallard Creek

Date	Ver.	Action By	Action	Result
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Title:

Land and Easement Donation - Mallard Creek Greenway

Summary

ACTION:

1. Terminate the existing greenway easement on Tax Parcel 047-131-07 (± 0.243 acres) with Summit Avenue URP, LLC.
2. Accept donation of a permanent greenway easement (±0.345 acres), temporary construction access easement (±0.237 acres) and temporary greenway construction easement (±0.142 acres) on Tax Parcel 047-131-07 from Bainbridge-GCA Mallard Creek Owner, LLC for the future development of Mallard Creek Greenway
3. Accept the donation of a portion of Tax Parcel 047-131-07 (±3.768 acres) for the future development of Mallard Creek Greenway
4. Authorize the County Manager to enter into a Development Agreement with Bainbridge-GCA Mallard Creek Owner, LLC.
5. Recognize, receive and appropriate to the County-funded Projects Capital Improvement Fund \$193,000 from Bainbridge-GCA Mallard Creek Owner, LLC, for Mallard Creek Greenway

Staff Contact: Katie Daughtry, Asset and Facility Management

Presentation: No

BACKGROUND/JUSTIFICATION:

In 2017, the Board approved terminating an easement and replacing it with a new access trail easement on Tax Parcel 047-131-07. This was done to accommodate a multi-family development proposed for the parcel by a developer, Bainbridge-GCA Mallard Creek Owner, LLC. Per that agreement, the developer would construct the access trail and bridge to County specifications and turn it over to the County for public access and maintenance. The developer has since obtained approval for this development from the City of Charlotte and recently closed on the property.

Since the Board approved the above transaction in 2017, the developer proposed paying the County the cost to build a portion of the access trail and the bridge. After some consideration, County staff agreed that building the trail and bridge as part of the FY20 Mallard Creek Greenway project made sense as it would ensure that those items are constructed to the County's preferred widths and specifications. Additionally, the County is much more versed in floodplain development and permitting. To achieve this goal, the County must enter into an agreement that outlines the responsibilities of the County and the developer, Bainbridge-GCA Mallard Creek Owner, LLC. Those responsibilities include terminating the current easement that requires the developer to build the bridge and a portion of the trail and recording a new easement that requires the County to build a portion of the trail and the bridge, and the property along the creek deeded to the County. Furthermore, the agreement will outline when payment of \$193,000 must be made to the County for the trail and bridge construction.

Accepting the easement and land donation will achieve the goal of expanding the County's greenway system as outlined in the Park and Recreation Master Plan.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

Increase of \$193,000 in revenues and associated expenses in County-funded Projects Capital Improvement Fund for the Mallard Creek Greenway - Mallard Creek Drive to David Taylor Drive project