



## Legislation Details (With Text)

<b>File #:</b>	18-5041	<b>Version:</b>	1	<b>Name:</b>	Amendment to Declaration of Easements - Stewart Creek Greenway Property
<b>Type:</b>	Consent	<b>Status:</b>		<b>Status:</b>	Consent
<b>File created:</b>	11/5/2018	<b>In control:</b>		<b>In control:</b>	Asset/Facility Management
<b>On agenda:</b>	11/20/2018	<b>Final action:</b>		<b>Final action:</b>	
<b>Title:</b>	Amendment to Declaration of Easements - Stewart Creek Greenway Property				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Map Stewart Creek Declarations.pdf				

Date	Ver.	Action By	Action	Result
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### Title:

**Amendment to Declaration of Easements - Stewart Creek Greenway Property**

### Summary

#### ACTION:

**Authorize the County Manager to negotiate and execute the First Amendment to the Declaration of Easements and all other documents necessary among the County, Wesley Village, LLC; BR Wesley Village II, LLC; and BR Wesley Village, LLC to effectuate the removal of County owned Tax Parcel 071-041-15 from the original Declaration of Easements**

**Staff Contact:** Jacqueline McNeil, Asset and Facility Management

**Presentation:** No

#### BACKGROUND/JUSTIFICATION:

**In 2009, the County acquired Tax Parcel 071-041-15 (+/- 1.008 acres) for greenway trail along Stewart Creek. The property the County acquired was subject to a Declaration of Easements Agreement placed on it along with other adjacent parcels that were proposed for apartments and supporting infrastructure development. The parcels consisted of six tracts of land that were collectively known as Wesley Village and located on the north side of the 1700 to 1799 block of Freedom Drive, between Thrift Road to the west and Stewart Creek to the east.**

**The Declaration of Easements grouped the six parcels into two groups referred to as either the "Apartment Site" or the "Retained Property". The property the County acquired was included with the Apartment Site. The Declaration makes the owners of the Apartment Site**

responsible for the cost of maintaining certain infrastructure improvements such as utilities, road improvements, and detention pond maintenance with a portion of that cost being reimbursed by the owner of one of the parcels included in the Retained Property.

The apartments planned for Wesley Village were only partially completed. One of the tracts planned for apartments are now under contract to a new buyer. That buyer and the County are requesting to be removed from the Declaration of easements and all owners have agreed to this request. Removing the County from the Declaration will eliminate the possibility of the County being required to share in the cost of maintaining easement improvements.

**PROCUREMENT BACKGROUND:**

N/A

**POLICY IMPACT:**

N/A

**FISCAL IMPACT:**

N/A