



Legislation Text

File #: 18-4865, Version: 1

Title:
Easement Grants - The Village at Commonwealth

Summary

ACTION:

Authorize Mecklenburg County Manager to convey, for purposes related to single- and multi-family housing construction and development, (i) two permanent easements and (ii) one temporary construction easement, to New Developer (as defined below), which easements and conditions are (i) described in more detail below and (ii) located generally on portions of Tax Parcels 129-021-02, 129-021-06, 129-022-99, and 129-024-09

Staff Contact: Jacqueline McNeil, Asset and Facility Management

Presentation: No

BACKGROUND/JUSTIFICATION:

In 2008, Mecklenburg County agreed to exchange certain land at Veterans Park for land owned by Morningside Village, LLC (the "Original Developer") in order to accomplish realignment of the street network near Original Developer's proposed single and multi-family residential development in Plaza Midwood (the "Project"). Later in 2008/2009, the Project went into default and was foreclosed upon. Northwood Ravin (the "New Developer") purchased the project from the foreclosing lender in 2013, and resuscitated/rebranded it as "The Village at Commonwealth". The original swap agreement, dated January 1, 2008, between County and Original Developer, contemplated the County's future grant to Original Developer of a temporary construction easement (the "TCE") over portions of parcels 129-021-02 and 129-021-06 (both owned by County). The TCE was never formally conveyed to Original Developer, and the County now wishes to fulfill that original intent by conveying the TCE to New Developer. The TCE grant will be conditioned upon New Developer's (i) providing of a survey (to be approved by the County) which shall define the actual area of the TCE, and (ii) agreement to restore (to County's satisfaction) areas of any County-owned property disturbed during New Developer's construction activities.

New Developer must also permanently maintain infrastructure previously installed on parcels 129-022-99 and 129-024-09 (both owned by County) associated with storm water BMPs on adjacent parcels 129-024-12 and 129-024-08 (both owned by New Developer). The County proposes to grant two permanent easements (one for maintenance, and one for storm drainage; collectively, the "Permanent Easements") over portions of parcels 129-022-99 and

129-024-09. As with the TCE, the County's grant of the Permanent Easements will be conditioned upon New Developer's (i) providing a survey (to be approved by County) which shall define the actual areas of the Permanent Easements, and (ii) agreement to restore (to County's satisfaction) areas of any County-owned property disturbed during New Developer's construction activities.

PROCUREMENT BACKGROUND:

N/A

POLICY IMPACT:

N/A

FISCAL IMPACT:

N/A