



Agenda Action Form Overview

The County Manager recommends that the Board approve the attached Donation Agreement between Durham County and GoTriangle, and authorize the County Manager to execute same.

Background/Justification

In January 2017, the Board approved a Memorandum of Understanding (MOU) between GoTriangle and Durham County, wherein the County agreed to donate, at no cost to GoTriangle, any and all easements necessary to design, construct, operate and maintain the Durham-Orange Light Rail Transit Project (attachment 3) .

State law requires that all non-Federal and non-State funding be committed by April 30, 2019. Likewise, under Go Triangle's schedule with FTA, they need to demonstrate to FTA the commitment of all local funding sources (including in-kind and real estate) in Q1 of 2019. Real estate donations by local entities qualifies as local funding. The commitment is documented by the attached Donation Agreement, but the conveyances are not anticipated until GoTriangle is assured of receiving the federal award later in 2019.

The easements are requested on the County detention center property, generally located on the south side of Pettigrew Street from the corner of South Mangum Street to Roxboro Road, and along the east side of South Mangum Street from the corner at Pettigrew Street to the area near the main entrance of the Detention Facility. The proposed permanent easement consists of approximately 392 square feet, and the temporary construction easement totals approximately 9,932 square feet. The easement area and sizes are estimated at this time and are based on engineering plans still in development by GoTriangle as shown on a map provided by GoTriangle included with the donation agreement. The precise location and size of the easement will not be known until the final design is complete. At the completion of final design documents, GoTriangle will obtain a survey, and the legal description from the survey will be included in the instrument(s) granting the easements to GoTriangle. The donation agreement commits that the easement is to be executed on or before December 31, 2019.

State law funding for the D-OLRT requires that all non-Federal and non-State funding be committed by April 30, 2019. Likewise, under Go Triangle's schedule with FTA, they need to demonstrate to FTA the commitment of all local funding sources (including in-kind and real estate) in Q1 of 2019. Real estate donations by local entities qualifies as local funding. The County's commitment to donate the easement is documented by the Donation Agreement, but the actual conveyances are not anticipated until GoTriangle is assured of receiving the federal award later in 2019. The final easements will be brought back for Board approval when they are ready to be executed

Policy Impact

The Board has maintained consistent support for the development of the Light Rail Project in Durham. This Donation Agreement is consistent with County policy, and has been previously approved in concept, in the MOU referenced above.



Procurement Background

Not applicable.

Fiscal Impact

The value of the proposed easements is \$282,825, per an appraisal obtained by GoTriangle to document the value dated September 20, 2018. This donation does not include any additional financial contribution from the County.

Recommendation

The County Manager recommends that the Board approve the attached Donation Agreement between Durham County and GoTriangle and authorize the County Manager to execute same.