



Legislation Details (With Text)

**File #:** 24-0294      **Version:** 1      **Name:**

**Type:** Action Item      **Status:** Consent Agenda

**File created:** 5/17/2024      **In control:** Board of County Commissioners

**On agenda:** 6/10/2024      **Final action:**

**Title:** Approval to Grant a Permanent Utility Easement to Duke Energy and Charter Communications at 406 Rigsbee Ave. and 215 W. Seminary Ave

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Easement Agreement Rigsbee and W Seminary SPECTRUM\_, 2. Spectrum Exhibit, 3. County of Durham Easement - DUKE ENERGY, 4. 2024-03-22 TRG22001-E1, 5. EasementDrawing1697742686685

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**Item:**

**Approval to Grant a Permanent Utility Easement to Duke Energy and Charter Communications at 406 Rigsbee Ave. and 215 W. Seminary Ave**

**Date of BOCC Meeting: June 10, 2024**

**Request for Board Action:**

The Board is requested to approve the two Easement Agreements - one with Duke Energy Carolinas, LLC (DEC) for (2) electrical power easements and one with Charter Communications for a 5 ft. by 5 ft. pedestal for the multi-family residential development being built at the corner of Morgan Street and Rigsbee. The development is an 8-story, 232-unit class-A luxury multifamily building that includes amenities such as two-story fitness concept, pool w/ outdoor social and grilling areas, large coworking spaces, clubroom, rooftop terrace overlooking Downtown Durham, and a recreation room.

**Duke Energy Easement:** The current location of the underground electrical line conflicts with the developer’s temporary shoring design, which is needed to stabilize the surrounding soils, allowing excavation of the site and construction of a concrete podium upon which the development will be constructed. The Developer, Trinsic Residential Group, is requesting that Duke Energy relocate this line to the opposite side of the street at 406 Rigsbee Avenue and 215 W Seminary Avenue.

Both of the parcels affected by the relocation of the electrical lines are owned by the County and leased to Families and Communities Rising, Inc. (Head Start) on Seminary Ave. and The Center for Senior Life on Rigsbee Ave.. The developer has communicated with the Executive Directors of each organization and made them aware of the project. The respective Executive Directors have been assured that there will be little to no impact on their operations, and they have each expressed their support for the request.

**Charter Communications:** The easement at the corner of Seminary and Rigsbee is on the property of the Durham Center for Senior Life. It is a 5’x5’ section of land adjacent to a public stormwater easement. It will be

an at-grade handhold from which Spectrum will pull utilities and will not impact the Senior Center in any way.

The County Attorney's Office has reviewed and approved the Easement Agreements and Dedication Plats which are attached for the Board's reference.

**Alignment with Strategic Plan:** This item supports Goal 5: Accountable, Efficient and Visionary Government by facilitating needed infrastructure management to support economic growth in Downtown Durham.

**Resource Persons:** Nancy Mitchell, Sr. Real Estate Officer, E&ES; Peri Manns, Deputy Director, E&ES; Jay Gibson, Director, E&ES.

**County Manager's Recommendation:** The County Manager recommends that the Board approve the two Easement Agreements - one with Duke Energy Carolinas, LLC (DEC) for (2) electrical power easements and one with Charter Communications for a 5 ft. by 5 ft. pedestal for the multi-family residential development being built at the corner of Morgan Street and Rigsbee.

County Manager: \_\_\_\_\_