



## Legislation Text

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**File #:** 18-1168, **Version:** 1

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**Item:**

**Donation Agreement for Durham-Orange Light Rail Transit**

**Date of BOCC Meeting:** December 20, 2018

**Request for Board Action:**

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. GoTriangle has requested that Durham County execute the attached Donation Agreement (Attachment 1) to donate a permanent easement and a temporary construction easement to facilitate the construction, operation and maintenance of the planned Durham-Orange Light Rail Transit System (D-OLRT). The Board previously approved the donation of land for these purposes in a Memorandum of Understanding between GoTriangle and Durham County in January 2017 (Attachment 2).

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 based on engineering plans still in development by GoTriangle and are 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. The value of the proposed easements is \$282,825, per an appraisal obtained by GoTriangle dated September 20, 2018.

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 the first quarter 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.

**Alignment with Strategic Plan:** The attached Donation Agreement supports Goal 5: "Accountable, Efficient and Visionary Government.", and Goal 4: Environmental Stewardship and Community Prosperity".

**Resource Persons:** Jane Korest, Open Space and Real Estate Manager; Nancy Mitchell, Senior Real Estate Officer, and Peri Manns, Deputy Director of Engineering and Environmental Services

**County Manager's 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.

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