

Item Title: Approve Slope Easement on County Property at Site# 20A Brier Creek Reservoir

Specific Action Requested:

That the Board of Commissioners:

1. **Approves the conveyance of a Slope Easement on County property at Crabtree Creek Flood Control Structure Site# 20A Brier Creek Reservoir to North Carolina Department of Transportation; and**
2. **Accepts the amount of \$168.00 as just compensation for the easement conveyance and appropriate the same amount into the Reserve for Future Projects in the County Capital Improvement Fund; and**
3. **Authorizes the Board Chair to execute said Slope Easement and Slope Easement Plat (along with any other supporting documentation), subject to the terms and conditions acceptable to the County Attorney.**

Item Summary:

Purpose: The Board of Commissioners must approve Wake County's property transactions.

Background: Merritt-RU1, LLC ("Merritt Properties") is proposing to construct approximately 683,400 square feet of industrial space across four buildings on two properties off Nelson Road in Morrisville. The properties being developed are adjacent to County owned property at Crabtree Creek Flood Control Structure Site#20A Brier Creek Reservoir. The developer is required to make road improvements to Nelson Road and is requesting that Wake County agree to convey a slope easement to NCDOT allowing for the road improvements to be made.

Strategic Plan: This action supports routine County operations.

Fiscal Impact: There is no fiscal impact to the FY 2026 budget.

Additional Information:

Wake County owns and maintains numerous parcels as part of the Crabtree Creek Watershed Project (CCWP). The CCWP is comprised of 10 earthen berm flood impoundment structures along the tributaries of Crabtree Creek known as Structures 1, 2, 3, 5A, 11A, 13, 18, 20A, 22B, and 23. Wake County is responsible for maintaining these structures to reduce flooding along Crabtree Creek. This arrangement was formalized in Operation & Maintenance Agreements between the County and the U.S. Department of Agriculture's (USDA) Natural Resource Conservation Service (NRCS) in 1975 and again in 1985. The O&M Agreements require the County to obtain approval

from NRCS of all plans or alterations or improvements to the flood control structures, to prohibit the installation of any structure or facility that will interfere with the operation and maintenance of the structure. Wake County General Services Administration-(GSA) is the liaison with NRCS. GSA has reviewed the Nelson Road-Roadway Improvement plans and determined the proposed easement does not encroach within the flood pool or affect the functioning of the flood control structure. The GSA approval letter dated June 25, 2025 is attached for reference. The developer's design consultant, Kimley Horn, has also provided the attached engineer certification. This certification provides the County and NRCS assurance that there is no net loss of flood storage capacity due to the proposed road improvements.

The map shown below displays the approximate location of the proposed slope easement area in relation to the proposed industrial development, flood control structure, and County property.



In order for the industrial development to occur, the developer is required to make road improvements to Nelson Road. The project limits extend approximately 600 feet on SR 1642 Nelson Road near Kitty Hawk Drive. The scope of the project will be grading, drainage, paving, curb and gutter, addition of left a turn lane, sidewalk and guardrail installation. A more detailed construction plan sheet showing the road improvements is attached along with signed and sealed easement exhibit showing the exact location and size of the proposed slope easement.

The developer, Merritt Properties has offered \$168.00 for 942 square feet of slope easement. The attached offer to purchase from Merritt Properties dated August 8, 2025 outlines the details of this offer. The offer is based on the attached appraisal dated July 16, 2025 by Aurther Dec, MAI NC State Certified General Real Estate Appraiser. Wake County staff has reviewed the appraisal provided by the developer and recommends acceptance of the \$168.00 as just compensation for the slope easement. In that Nelson Road is a state maintained roadway, the easement is being granted to and accepted by NCDOT for maintenance purposes.

County staff from Facilities Design and Construction and General Services Administration have reviewed the Nelson Road-Roadway Improvements plans and concluded that the conveyance of the slope easement will not affect the current flood pool storage volume and functioning of Site#20A Brier Creek reservoir or future use of the County property. Staff recommends approval of the conveyance subject to terms and conditions acceptable to the County Attorney.

Attachments:

1. GSA Approval Letter
2. Engineer's Certification-No Net Loss
3. Nelson Road-Construction Plan Sheet
4. Easement Exhibit
5. Merritt Properties-Offer/Request Letter
6. Appraisal
7. Slope Easement
8. Preliminary Slope Easement Plat