

Item Title: Release of Land Use Restrictions to the Town of Morrisville

Specific Action Requested:

That the Board of Commissioners:

- 1. Authorizes the County to sell its remaining interest in the Town owned parcel (“Property”) located at 5817 Cricket Pitch Way in Morrisville in accordance with N.C.G.S. 160A-274, being approximately 11.122 acres and;**
- 2. Accepts and appropriates the Town of Morrisville’s offer in the amount of \$266,928 to remove the restrictions from the Property into the Parks, Greenways, and Open Space capital program and;**
- 3. Directs the County Manager to execute a contract for releasing of the land use restrictions for the Property to the Town of Morrisville, subject to the terms and conditions acceptable to the County Attorney and;**
- 4. Authorizes the Chair to sign an amendment to the Open Space Grant releasing the Town of Morrisville from the land use restrictions for the subject property, subject to the terms and conditions acceptable to the County Attorney.**

Item Summary:

Purpose: By State statute, the Board of Commissioners approves all real estate transactions.

Background: In April 2007, the Board of Commissioners approved the acquisition of a 24.98-acre property with the Town of Morrisville for active recreation and open space. As open space grants at that time did not allow for active recreation, a 6.81-acre portion of the property was “cut out” with Wake County participating in the remaining 18.17 acres to be “used for and maintained exclusively as open space and used only for passive recreation or passive maintenance of water quality.” The final open space grant amount was \$436,080 for the acquisition of 18.17 acres or \$24,000 per acre. The property is currently operated by the Town as their Church Street Park.

In 2015, the Town requested an additional 7.048 acres of the open space to make their park master plan viable and meet its active recreation needs. The Town utilized this additional acreage for their park development leaving 11.122 acres of open space remaining on the property.

With the growth of the sport of cricket, specifically Major League Cricket and other national and international cricket organizations, and the demands placed on Church Street Park, the Town is

requesting to be released from the land use restrictions on the remaining 11.122 acres of open space so that it can be used for active recreation.

Strategic Plan: This action supports Inclusive Prosperity Goal 3: By 2029, nine out of ten residents asked will share that they can find and enjoy enriching experiences that support our community's high quality of life.

Fiscal Impact: The Town will reimburse Wake County for \$266,928 (11.122 acres x \$24,000 per acre). These funds will be accepted and appropriated into the Future Open Space unit within the Parks, Greenways, and Open Space Capital Improvement Program.

Additional Information:

In April 2007, the Wake County Board of Commissioners approved an Open Space Grant Agreement with the Town of Morrisville for the acquisition of the RTF Property (REID 0302176) for active recreation and open space. As open space grants at that time did not allow for active recreation, a 6.81-acre portion of the property was "cut out" with Wake County participating in the remaining 18.17 acres to be "used for and maintained exclusively as open space and used only for passive recreation or passive maintenance of water quality." The final open space grant amount was \$436,080 for the acquisition of 18.17 acres or \$24,000 per acre.

Section VI, sub-section 6.3: Retention, Operation, Maintenance and Use of the Open Space Grant Agreement states: "Property acquired, developed or improved with grant assistance from the County shall be used for and maintained exclusively as open space and used only for passive recreation or passive maintenance of water quality. Grant Recipient acknowledges and agrees to abide by the County policy of limiting to five percent (5%), the impervious surface areas developed on the subject property. If Grant Recipient utilizes land purchased with County Open Space Grant funding for any reason not approved herein, Grant Recipient agrees to return any funds received to the County."

The Town's development plans for the property also anticipated the acquisition of additional adjacent property. This future acquisition did not take place, and as a result, the Town required 7.048 acres of open space to make their park master plan viable and meet its active recreation needs. At its September 8, 2015 regular meeting, the Board of Commissioners approved a partial reimbursement of the Grant Agreement of \$169,152 (7.048 acres x \$24,000/acre) from the Town for the loss of open space. The reimbursed funds were returned to the Open Space fund utilized for future open space projects.

The Town of Morrisville and local, national, and international cricket organizations are engaged in partnerships to jointly host competitions and tournaments, and the Town is planning to invest in the expansion of the Town's Church Street Park, with a goal of upgrading the facility to account for international standards of play and meet the needs of these organizations. The release of land use restrictions to the Town allows for this expansion.

The Town is requesting to use the remaining 11.122 acres of open space to be used for active recreation.

The Open Space and Parks Advisory Committee (OSAPAC) reviewed this item at their September 23, 2024 meeting, and unanimously voted to recommend the Board of Commissioners approve the Town of Morrisville's request to lift the passive recreation restriction on the remaining 11.22 acres at Church Street Park. The Committee's concern about reducing previously protected open space was moderated by the Town demonstrating that an equivalent or larger area will be preserved for open space protection, passive recreation or wildlife habitats.

Attachments:

1. Letter from the Town
2. Minutes from the April 2, 2007 Board of Commissioners regular meeting
3. Minutes from the September 8, 2015 Board of Commissioners regular meeting
4. Church Street Park Survey
5. CIP Budget Memo – PGROS
6. OS Bond and NC DOT Funding Tracker