

Item Title: Request to Transfer Approximately 3.87 Acres of Conservation and Greenway Easement Owned by Wake County and Located in Johnston County to the Town of Clayton

Specific Action Requested:

That the Board of Commissioners authorizes the Chairman to execute the Assignment of Deed of Easement from Wake County to the Town of Clayton for the portion of the subject easement located in Johnston County.

Item Summary:

Purpose: The Board of Commissioners must approve all property and easement conveyances by the County. NC General Statute 160A-274 authorizes the Board of Commissioners to convey any interest in real property to other governmental agencies.

Background: In 2003 Wake County began acquiring land rights as part of the Neuse River Open Space Program and subsequently acquired a conservation and greenway easement of 10.82 acres from Edith Romaine, et al, on Wake County Tax ID # 0074505. A portion of the conservation/greenway easement was located across the Johnston County line and this action authorizes transfer of that portion from Wake County to the Town of Clayton in Johnston County.

Board Goal: This action supports routine County operations.

Fiscal Impact: There is no fiscal impact.

Additional Information:

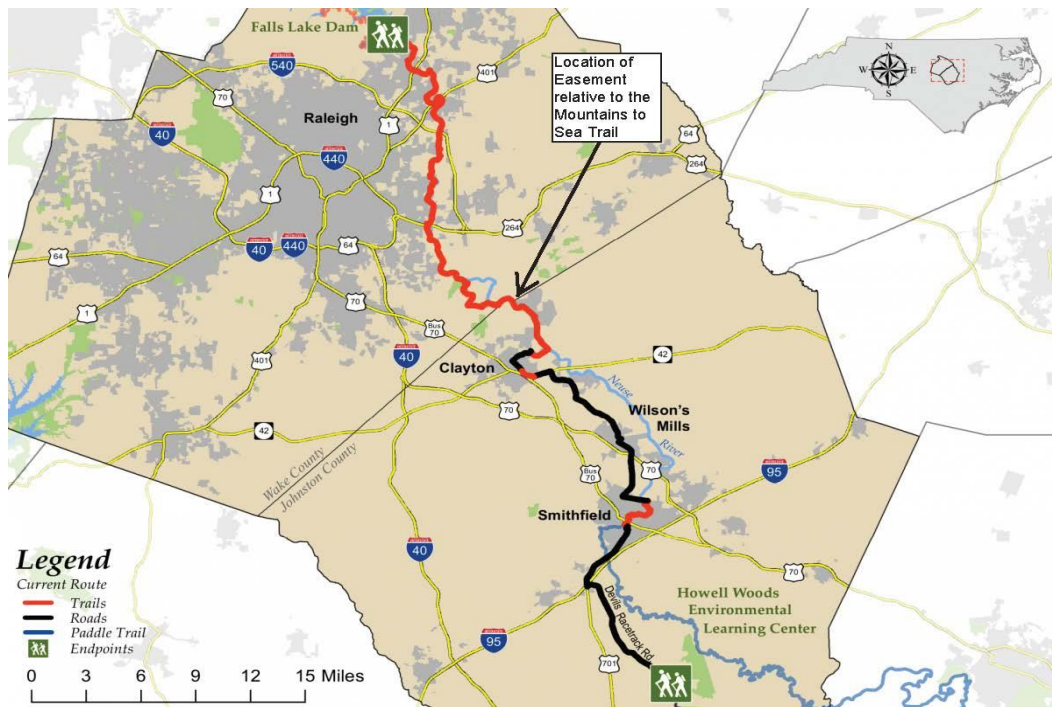
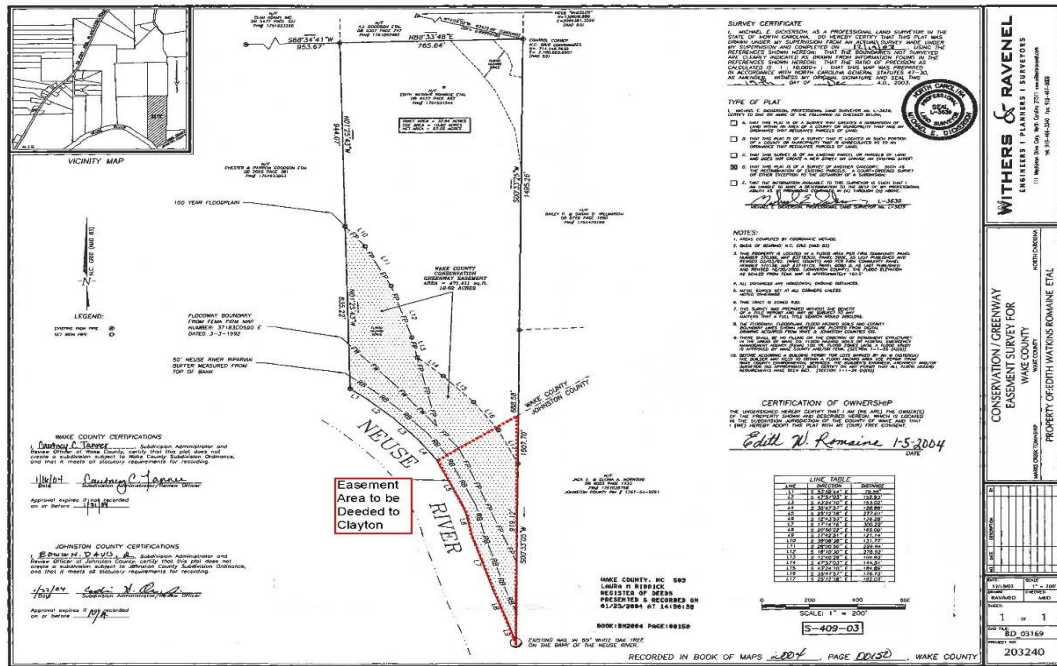
As part of the Neuse River Open Space Program, Wake County acquired a conservation and greenway easement of 10.82 acres from Edith Romaine, et al, on Wake County Tax ID # 0074505. A portion of the conservation and greenway easement was located across the Johnston County line and recorded on the plat as being owned by Wake County.

N.C.G.S. 153A-15 (b) requires any acquisition of land by a unit of local government in "another county" must first have the approval of the county board of commissioners of the county where the land is located. This approval was not obtained in 2003 from the Johnston County Board of Commissioners and Wake County's ownership of the portion of land in Johnston County was discovered upon the Town of Clayton's initial due diligence for the Town's effort to build a greenway trail, as part of the State of North Carolina's Mountains-to-Sea Trail MST. In recent months County Staff has coordinated with both Johnston County and the Town of Clayton to facilitate the transfer of this conservation and greenway easement to the Town of Clayton.

The recorded plat below displays the conservation and greenway easement currently owned by Wake County with the portion outlined in red being the 3.87 acres located in Johnston County to be transferred to the Town of Clayton. The second map shows the

location of the easement to be transferred in relation to the Wake / Johnston County lines and the Mountains to Sea Trail.

BKBM2004PG00150



Staff recommends approval of the conveyance subject to terms and conditions stated herein as well as those recommended by the County Attorney.

Attachments:

1. Assignment of Deed of Easement
2. Survey Map
3. Greenway Map