

**Item Title:**    Donation of Kellam-Wyatt Farm to Wake County

**Specific Action Requested:**

**That the Board of Commissioners:**

- 1. Accepts the donation of the Kellam-Wyatt Farm (WC REID 0002936) from Susan Wyatt subject to terms and conditions acceptable to the County Attorney;**
- 2. Appropriates up to \$40,000 of Open Space funding for the acquisition costs associated with this donation;**
- 3. Authorizes the County Manager and Community Services Director to execute a Donative Transfer Agreement between Susan Wyatt and Wake County outlining the terms and conditions of the acquisition of the Kellam-Wyatt Farm to Wake County, subject to terms and conditions acceptable to the County Attorney;**
- 4. Authorizes the County Manager to execute limited five-year lease agreements with Susan Wyatt and Leewyn E. Kellam for the leaseback of their respective personal residences, subject to terms and conditions acceptable to the County Attorney;**
- 5. Authorizes the County Manager to execute a limited one-year agricultural lease agreement with Sean Barker, subject to terms and conditions acceptable to the County Attorney; and**
- 6. Authorizes the County Manager to execute limited License Agreements for continued access and use associated with other parts of the Farm and take such further action as may be required by the Donative Transfer Agreement, subject to terms and conditions acceptable to the County Attorney.**

**Item Summary:**

The City of Oaks Foundation contacted County staff on behalf of Susan Wyatt, her late husband Robert (Bob) Kellam and his daughter, Leewyn E. Kellam, regarding the donation of the 59-acre Kellam-Wyatt Farm ("Farm") to the County for use as a park, nature preserve or agricultural capacity. The donation also includes a variety of personal property located on the Farm, inclusive of solar panels, a greenhouse, cabinetry and refrigerators located in the accessory barns and sheds. The City of Oaks Foundation holds a conservation easement on the property, but staff, after several site visits, believes the property would be a strong addition to the County's Park System in an urbanized area of the County. The City of Oaks Foundation has approved a transfer of the Farm to the County and the prospective passive recreational use of the Farm.

Staff intends soon after acquisition of the Farm to begin master planning for open space preservation and park, recreational, cultural, and any other allowable governmental functions authorized by the conservation easement encumbering the Farm.

As a condition of the donation, Ms. Wyatt is requiring leaseback agreements whereby Ms. Wyatt and her step-daughter Leewyn E. Kellam will be allowed to reside in their respective existing residences on the Farm for a period not to exceed five years. Pursuant to separately negotiated leases for Ms. Wyatt and Ms. Kellam, the leased premises will be a small portion of the Farm as depicted in the attached maps. During the term of the leases, the County will own, but does not intend to open the non-leased area of the Farm to the public. Staff will begin the master planning process, involving both Ms. Wyatt and the City of Oaks Foundation. Ms. Wyatt currently leases a portion of her property to Sean Barker for farming operations. The Barker lease will be terminated at the time of the Property transfer. As a part of the donation, Ms. Wyatt has requested that Wake County extend an agricultural lease to Mr. Barker to continue his farming operations. Staff has developed an agricultural lease to allow this use and has presented the draft lease to Mr. Barker for consideration.

In addition to the leasehold agreements, Ms. Wyatt has conditioned the donation on non-exclusive access to other non-leased areas of the Farm for Ms. Wyatt and Ms. Kellam. A standard County form limited License Agreement authorizing access to certain other areas of the Farm (non-leased premises) has been drafted for this purpose.

The Parties have negotiated the Donative Transfer Agreement attached hereto which outlines all terms and conditions associated with the donation, acceptance of the donation and closing conditions. At closing, certain costs and expenses incurred by Ms. Wyatt associated with this transfer are eligible for reimbursement.

The acquisition costs of up to \$40,000 include due diligence costs associated with a survey, appraisal, environmental consulting and testing, attorney fees and title fees, recording fees, etc.

The Open Space and Parks Advisory Committee reviewed this donation proposal at its November 2017 meeting and recommended it be forwarded to the Board of Commissioners for its consideration.

**Attachments:**

1. Presentation
2. Donative Transfer Agreement
3. Appraisal Summary
4. Map of Lease Areas
5. Budget Memo