

Item Title: Acceptance of a Non-Warranty Deed from State of North Carolina for 66.08 acres and authorization to grant a Conservation Easement back to North Carolina Department of Transportation

Specific Action Requested:
That the Board of Commissioners:

- 1. Accepts a Non-Warranty Deed from the State of North Carolina for 66.08 acres of real property above Lake Myra subject to terms and conditions acceptable to the County Attorney; and**
- 2. Authorizes the Chair to grant and execute a Conservation Easement over the entire 66.08 acres of said real property and Easement of Ingress and Egress to North Carolina Department of Transportation subject to terms and conditions acceptable to the County Attorney.**

Item Summary:

Purpose: The Board of Commissioners must accept the donation of real property to the County, and authorize the execution of easements on real property.

Background: Since 2000, Wake County, through its Open Space Preservation Program, has preserved or helped preserve over 130 properties, totaling almost 6,500 acres, as well as contributed significant funding to several area greenway projects.

One area targeted for open space acquisition is the Marks Creek area of eastern Wake County. The County has acquired approximately 1,461 acres including the site of the future Lake Myra County Park. The Board action proposes accepting land adjacent to, and upstream from the future park site thus adding to the stream corridor protection of Marks Creek, and providing additional recreation opportunity.

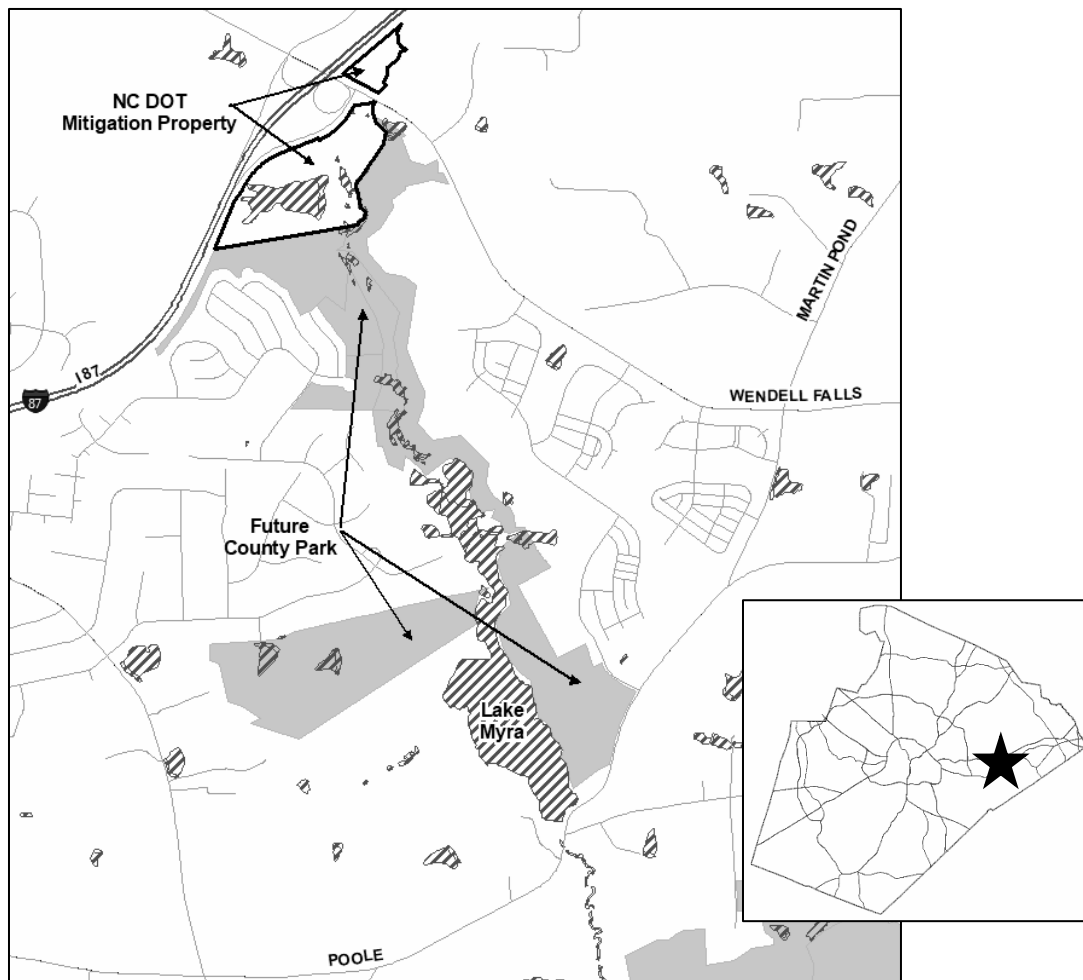
Board Goal: This action supports the Board of Commissioners' goal of: Establish a deliberate and realistic approach to address growth and mobility while preserving our environment and healthy communities.

Fiscal Impact: The County will expend approximately \$80 on recording fees.

Additional Information:

In 2005, Wake staff began discussions with NC Department of Transportation (DOT) regarding transfer of 66.08 acres of their mitigation property to expand the future Lake Myra County Park. NCDOT acquired the property in 2000 for the US-264 project and after road construction was complete, the remaining property was set aside for wetland mitigation.

This transfer would consist of two parcels that total 66.08 acres along both sides of Wendell Falls Parkway near its intersection of US 64 Bypass. Acquisition of this property increases the total acreage available for Lake Myra County Park to more than 337 acres.



NCDOT's Board has voted to transfer title of the property to Wake County conditioned upon the County providing NCDOT with a conservation easement and easement of ingress and egress.

The purposes of the Conservation Easement are to preserve, enhance, restore, and maintain the natural features, streams and associated streamside wetlands and other resources of the Conservation Easement Area. While most temporary or permanent structures are prohibited by the Conservation Easement, the easement does allow footpaths, trails, and/or boardwalks, along with interpretive and directional signage. The easements are consistent with the proposed Master Plan for Lake Myra County Park and the Open Space Preservation Program goals.

The cost to acquire the property is minimal with the County being responsible for recording fees associated with the Deed and Conservation Easement.

The Open Space and Parks Advisory Committee (OSAPAC) reviewed this transaction at its May 2018 meeting and supports this proposal.

Attachments:

1. Subject Property Map
2. Proposed Easement back to NC DOT