

Item Title: Resolution Authorizing the Conveyance of Wake County Surplus Property (approximately 143 acres) located along Shady Greens Drive, Brushy Meadows Drive, and Hilltop-Needmore Road, in Fuquay-Varina, NC (formerly known as Crooked Creek Golf Course) to the Town of Fuquay-Varina

Specific Action Requested:
That the Board of Commissioners:

- 1. Authorizes the County Manager to execute a contract for the disposition of the Wake County Surplus Property ("Property"), without monetary consideration, to the Town of Fuquay-Varina ("Town") pursuant to NCGS 160A-274, subject to terms and conditions acceptable to the County Attorney ("Disposition Contract"); and**
- 2. Authorizes the Chair to execute a Non-Warranty Deed and any other documents necessary to convey the Wake County Surplus Property to the Town of Fuquay-Varina, subject to the following special conditions:**
 - a. That the Town and Wake County Board of Education ("WCBOE") have executed a duly authorized Interlocal Agreement of a minimum duration of 25 years for future collaborative uses of the Property. Terms and conditions of the ILA must be acceptable to the County.**
 - b. That the Town has approved a resolution entered upon its minutes that: 1) authorizes the Manager to enter the Disposition Contract, 2) accepts the conveyance of the Property subject to a deed restriction limiting its use to open space, park or public purposes approved by the Town, and 3) accepts conveyance of the Property with the condition that the County is not required to expend any additional funding to effectuate the conveyance or improve the Property, or facilitate an intended use.**
 - c. Any other terms and conditions acceptable to the County Attorney; and**
- 3. Authorizes the Manager and Chair to take any other actions necessary to effectuate the transaction as approved.**

Item Summary:

At the Board of Commissioners February 18, 2019 meeting the Board adopted a resolution that established the method of disposition of approximately 143 acres (formerly known as Crooked Creek Golf Course) and authorized the County Manager to negotiate terms and conditions. It was the intent of this action to further suspend any former Board of Commissioner directives to staff that might conflict with the disposition of the Property

in accordance with G.S.160A-274. This action also superseded the Board of Commissioners' January 7, 2019 Resolution that directed staff to initiate a competitive method of sale of the Surplus Property pursuant to G.S. 160A-269.

Pursuant to G.S. 160A-274, the County is authorized to dispose of the Surplus Property on terms and conditions "it deems wise" to any other governmental unit in North Carolina. The process and procedure set forth under G.S. 160A-274 does not require competitive bidding or advertisement as required under G.S. 160A-269. Further, G.S. 160A-274 allows the County to convey the Surplus Property without monetary consideration, so long as there is governing board approval and the grantee is a qualifying governmental unit.

County staff have had conversations with staff from both the Town of Fuquay-Varina and the Wake County Public School System on the disposition of the surplus 143 acres. These discussions resulted in the following recommendations:

1. That the County convey all 143 acres to the Town of Fuquay-Varina with the condition that the Property may only be used by the Town for park, open space or other public purposes and subject to a gain provision that compensates the County in the event the Property is sold, at a future date, at a price above the Town's acquisition and improvement costs.
2. That the Town of Fuquay-Varina and the Wake County Board of Education enter into an Interlocal Agreement which will enable a joint planning process for the development of the Board of Education property and the tracts adjacent thereto which would be acquired by the Town. This Interlocal Agreement would need to be approved by both the Town Board of Commissioners and the WCBOE prior to the conveyance of the Property.
3. That the Property will be conveyed as is, where is.
4. That the County is not required to expend any additional funding to effectuate the conveyance, improve the Property, or facilitate any use by the Town or use contemplated by the ILA executed between the Town and the WCBOE.

The Town of Fuquay-Varina and the Board of Education have successfully worked together on similar adjacent school/park and park development opportunities at Ballentine Elementary, Banks Road Elementary and Herbert Akins Road Elementary. They are also currently engaged in a collaborative school/park development at South Lakes Elementary. Because of this long successful track record, staff is confident that the Town of Fuquay-Varina and the Board of Education will be able to work together to develop the property in a manner that benefits all parties.

County and Town staff have further discussed the essential terms of the conveyance to be incorporated into the Disposition Contract, the execution of which is expected to occur following action by this Board and action of the Town Board of Commissioners on March 19, 2019.

Attachments:

1. Property Map