

Item Title: Approval of a Ground Lease, Leases and Utilization Agreement with the Town of Cary for the Cary Regional Library

Specific Action Requested:

That the Board of Commissioners authorizes the Chair to execute a Ground Lease, Leases and Utilization Agreement with the Town of Cary for the Cary Regional Library and Parking Deck, subject to terms and conditions acceptable to the County Attorney.

Item Summary:

Purpose: State statute requires the Board of Commissioners to approve all landrights documents that are associated with construction projects and their eventual operations of those facilities.

Background: On April 16, 2018, the Board of Commissioners authorized the County Manager to execute an Interlocal Agreement (ILA) with the Town of Cary for final design and construction of the Cary Regional Library and the adjacent Town of Cary parking deck. The ILA contemplated that the Town and County would develop and execute a Ground Lease for that portion of the property owned by the Town that will envelope the library building footprint as well as the County's lease and use of spaces in the Town's new parking deck and Town's use of a portion of the ground floor of the Library.

Board Goal: This action supports standard County operations.

Fiscal Impact: There will be no lease payments due by either the Town or County for any building area or parking spaces under this agreement. No additional operational funding is required for the current fiscal year.

Additional Information:

The Agreement is entitled "Ground Lease, Leases and Utilization Agreement" and includes the following main items:

- 1) Library Site Ground Lease – Town lease to the County, which includes the library building, east side entrance bridge to the parking deck, west side street entry level plaza and library chiller enclosure located on Town property
- 2) Library Parking Spaces Within Town Parking Deck – ancillary to and in support of the Library, Town leases 60 striped spaces in the parking deck for library usage, including two spaces for maintenance, and three spaces for the Book Drop and Book Truck, plus 60 additional general spaces in the parking deck for library use.

- 3) Town Space Within Library – County leases back to the Town 3,300 SF of space in the ground floor of the library building, including finished restroom/storage area and unfinished flexible area
- 4) Maintenance and Operational Responsibilities – County is responsible for the library, entrance bridge and west side plaza; Town is responsible for parking deck, exterior monumental stair on north side of the library exterior, lower plaza at ground level between the library and parking deck, and stairwell, ramp and paving leading from this plaza south to Walnut Street and north to the Town's performance space and future park, and for maintenance and housekeeping of Town's leased restroom and unfinished flexible area
- 5) Trash Removal – Town is responsible for removing Library trash and recyclables from designated collection point in the ground floor of the library
- 6) Operational Costs for each party for the Library and Parking Deck are described.
- 7) Ground Lease Term is 40 years, followed by one additional option term of 5 years

Approval of this document by the Cary Town Council is scheduled for August 15. Construction of the project is nearing completion. Grand Opening of the Library is being coordinated with the Town of Cary, and is being planned for early November 2019, with the opening of the parking deck to occur on or before that time.



Attachments:

1. Draft Ground Lease, Lease and Utilization Agreement
2. Interlocal Agreement