

Item Title: Request by Westpointe, LLC to Exchange Property along Carpenter Road, Zebulon, NC pursuant to G.S. 153A-176 and G.S. 160A-271

Specific Action Requested:
That the Board of Commissioners:

1. Approves the request from Westpointe, LLC to exchange acreage with Wake County pursuant to G.S. 153A-176 and G.S. 160A-271; and
2. Authorizes the Chair to execute all documents necessary to effectuate the said exchange of property, subject to terms and conditions acceptable to the County Attorney.

Item Summary:

Purpose: The Board of Commissioners must approve the transfer of ownership for all County owned real estate.

Background: In the 1990s, Wake County began acquiring property in Eastern Wake County for a future Little River Reservoir. Staff discovered a driveway encroachment on one of these properties on Carpenter Road during a review in 2018. The adjacent property owner, Westpointe LLC (Westpointe) is requesting an even value property exchange with the County as a reasonable and mutually beneficial resolution to this encroachment. Staff, including the County Attorney's Office, have reviewed and recommend this exchange.

Board Goal: The property to be exchanged will result in a net gain of total acreage added to the County's Little River Reservoir assemblage which advances the Board's goal of protecting environmentally sensitive areas for water quality purposes.

Fiscal Impact: There is no fiscal impact other than the incidental costs related to the transfer of title to the parcels being exchanged (i.e. recording fees and boundary markings). These incidental costs are budgeted in Open Space Administration of the County Capital CIP.

Additional Information:

Pursuant to an Interlocal Agreement to provide for future drinking water resources, Wake County began in 1995 to acquire certain lands in the eastern part of the County for the proposed Little River Reservoir. In 2003, Howard Doyle acquired title to an 8.85-acre parcel of land ("Westpointe Property") located adjacent to lands assembled by

Wake County as part of the Little River Reservoir. The Westpointe Property is located along both sides of Carpenter Road. The County had previously acquired the land to the south of the Westpointe Property in 1998. In January of 2015, Mr. Doyle transferred title to Westpointe LLC, a NC Limited Liability Company, which is owned and managed entirely by Mr. Doyle.

In 2018, the common boundary between the properties in question was flagged to help facilitate a project to clean up the neighboring County property. At that time, County staff noticed a driveway off the east side of Carpenter Road that appeared to serve only the Westpointe Property but said driveway was located on an outer portion of the County property. County staff contacted Mr. Doyle about this encroachment. Mr. Doyle reported that he rents the Westpointe Property and stated that since its acquisition, he believed the driveway to be on his property.

Since being made aware of the encroachment, neither Mr. Doyle or County staff have been able to find any public record of the driveway or evidence of an easement in the respective acquisition files. Since the same owner deeded his now separated properties to Mr. Doyle and Wake County, it seems likely the driveway served what is now the Westpointe property and possibly acted as an alternative access for another adjacent residential property also owned by the original owner, Mr. Carpenter. Anecdotal evidence from GIS records and area residents indicates that the driveway has been in the same location for many years predating the 1990's.

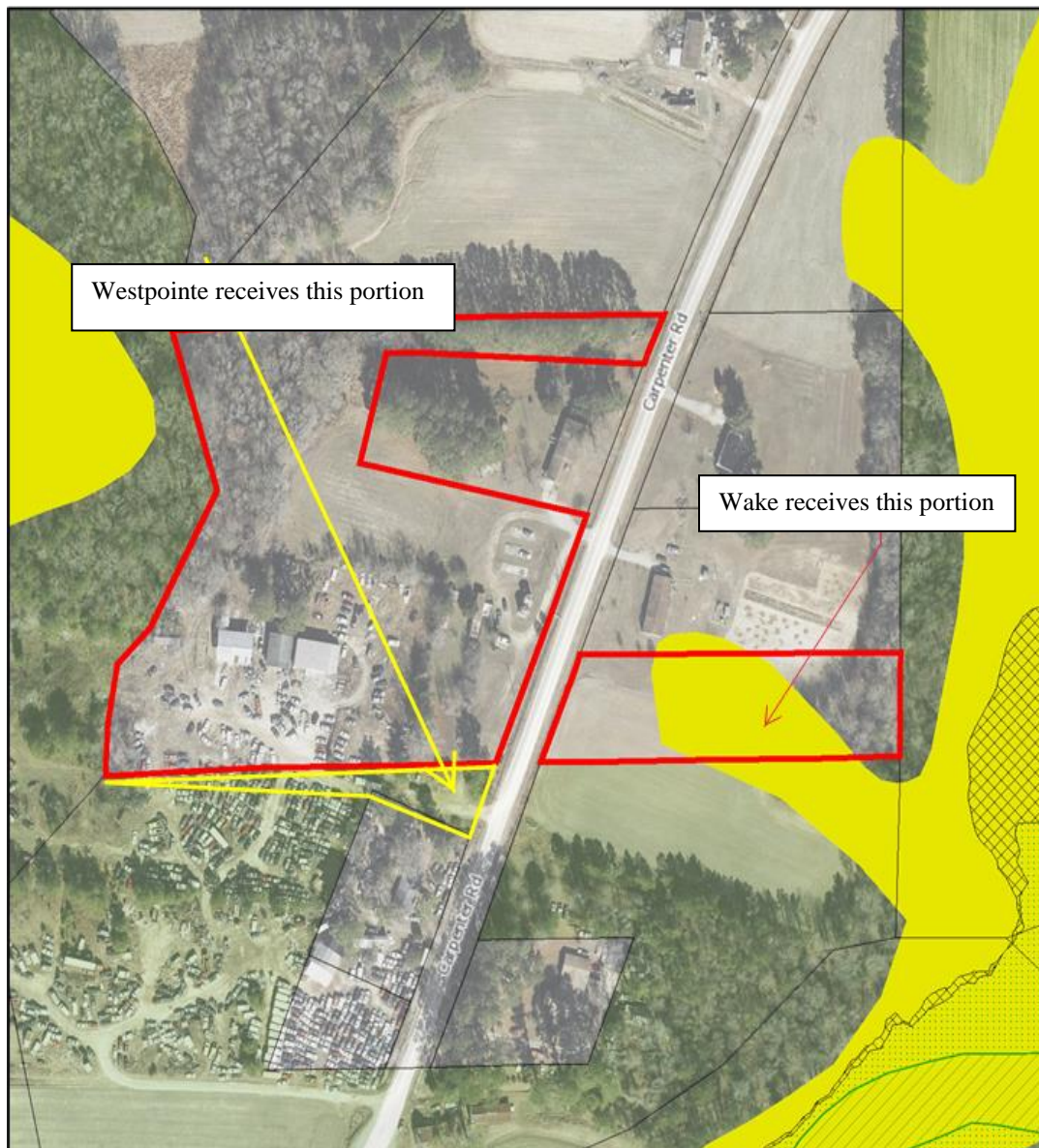
As shown in the map below, the County owns adjacent property to the south of the Westpointe Property on both sides of Carpenter Road. Mr. Doyle has offered to exchange a 1.6 acres portion of the Westpointe Property located on the east side of Carpenter Road representing an equal exchange of value for the appropriate portion of County land containing the driveway on the west side of the Carpenter Road. County staff from the County Attorney's Office, Facilities, Design & Construction, and Parks, Recreation & Open Space have coordinated efforts to evaluate the merits of this request.

Based on a version of the attached map, appraisals were obtained from B. Carter Kennemur, CCIM, a Certified General Real Estate Appraiser from Zebulon, NC. Mr. Kennemur concluded the value of the "driveway parcel" to be \$11,700, based on the .4 acres depicted on the attached map. The value of the Westpointe property was calculated to be \$12,200, considering the tract has approximately 44% flood soils. To facilitate an equal exchange, staff has recommended adding the appropriate fractional amount of acreage to the "driveway property" so that both properties have a \$12,200 value.

The proposal before the Board is to exchange respective properties by deed and recombination plats pursuant to G.S. 153A-176 and G.S. 160A-271 which would be signed by both parties. After the recombination map is completed, the appropriate parties would sign the recombination map and exchange a deed from the County to Westpointe for the .4 acre plus driveway property in exchange for Westpointe deeding

the 1.6-acre lot across Carpenter Road to the County. Public notice of the proposed exchange has been provided in accordance with G.S. 160A-271.

County staff recommends this exchange. The exchange benefits the County by conserving additional land which contains a significant amount of environmentally sensitive soil and is also adjacent to a future drinking water resource. County staff agreed to cover the appraisal, survey and recording costs associated with the exchange of land. Since the values of the land to be exchanged is equal and no other consideration will be given, this transaction conforms to similar transactions previously completed in the Little River Watershed.



Attachments:

1. Site Map
2. Recombination Map