

**Item Title:** Approval of an Encroachment Agreement for EMS Station #3 at 5305 Six Forks Road, Raleigh, NC

**Specific Action Requested:**

**That the Board of Commissioners authorizes the Chair to execute an Encroachment Agreement with Fountain Investments LLC, for the property located along Six Forks Road, Raleigh, NC, subject to the terms and conditions acceptable to the County Attorney.**

**Item Summary:**

**Purpose:** The Board of Commissioners approves all real estate transactions of more than three years duration.

**Background:** Since 1977, Wake County has rented a building in front of Green Elementary School from the Wake County School Board (School Board) for an EMS Station at 5305 Six Forks Road. A recent survey indicated a small part of the EMS driveway encroaches onto the adjacent property owned by Fountain Investments, LLC (Fountain). Staff request that the Board of Commissioners approves an encroachment agreement that allows the County to continue using the encroachment area.

**Board Goal:** This action supports routine County operations.

**Fiscal Impact:** This action has no financial impact.

**Additional Information:**

In 1977, Wake County placed an EMS station in a building formerly known as the Six Forks Volunteer Fire Department. The building is located on the southeast corner of a Wake County School property (Green Elementary School). In January 1977, the County entered an automatically renewing year-to-year lease with the Wake County Board of Education for this building.

Wake County Tax Records indicate the EMS #3 building was built in 1960. A review of all aerial photographs available for this location indicate a continuous encroachment of some type hard surface driveway onto the southern neighbor's property since 1974. Since the County did not lease the building until 1977, it is unlikely the County caused the initial encroachment. Based on the different shading noticed in the aerial photographs over the years, it seems the driveway surface material has changed from time to time. Wake staff has concluded that while Wake may not have created the situation, driveway renovations and improvements by the County over the years have likely perpetuated the encroachment.

Wake EMS operations staff prefers the driveway to remain as is. Any modifications could require EMS drivers to enter the bays by backing in from a very busy Six Forks Road,

which is far too busy to safely permit that maneuver. After collaborating with Fountain and consulting Wake County Public School System staff, the attached Encroachment Agreement was negotiated. The agreement allows the encroaching pavement to stay in place so long as the current use causes no hardship to Fountain. Fountain is requiring no financial payment as a condition to this agreement.



County staff recommends the Board of Commissioners authorize execution of this Encroachment Agreement. Wake County Board of Education will sign only as to acknowledge the agreement and the ongoing existence of the encroachment.

**Attachments:**

1. Encroachment Agreement