

# FORSYTH COUNTY

## BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 26, 2017 AGENDA ITEM NUMBER: 11

**SUBJECT: RESOLUTION AUTHORIZING THE SALE OF RIGHT OF WAY AND THE GRANT OF A TEMPORARY EASEMENT AND PERMANENT DRAINAGE AND UTILITY EASEMENTS TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION ACROSS TRIAD PARK PROPERTY AND THE EXECUTION OF NECESSARY DOCUMENTS  
(PARKS AND RECREATION DEPARTMENT)**

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:** Recommend Approval

**SUMMARY OF INFORMATION:** See Attached

ATTACHMENTS:  YES  NO

SIGNATURE: *J. Dudley Watts, Jr.* COUNTY MANAGER DATE: October 25, 2017

**RESOLUTION AUTHORIZING THE SALE OF RIGHT OF WAY AND THE  
GRANT OF A TEMPORARY EASEMENT AND PERMANENT DRAINAGE AND  
UTILITY EASEMENTS TO THE NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION ACROSS TRIAD PARK PROPERTY AND  
THE EXECUTION OF NECESSARY DOCUMENTS  
(PARKS AND RECREATION DEPARTMENT)**

**WHEREAS**, North Carolina Department of Transportation, which is constructing SR 2601 Macy Grove Rd. extension from SR 1005 East Mountain St. to NC 150 N. Main St., made a contingent offer to Forsyth and Guilford Counties to purchase a 6.064 acre right of way, to acquire a temporary construction easement across a 0.377 acre portion of Triad Park property, and to acquire a Permanent Drainage Easement containing 0.079 acres and a Permanent Utility Easement containing 0.008 acres, as more particularly described in the attached Summary Statement/Contingent Offer; and

**WHEREAS**, under its contingent offer, North Carolina Department of Transportation would pay \$66,700 for the Right of Way, \$2,075 for the temporary easement, and \$975 for both the Permanent Drainage and Utility Easements, all contingent upon formal acceptance by North Carolina Department of Transportation; and

**WHEREAS**, Forsyth County is authorized pursuant to the provisions of N.C.G.S. 153A-176, N.C.G.S. 160A-273, and N.C.G.S. 160A-274 to sell and convey a portion of land for a right of way and to grant easements to North Carolina Department of Transportation under these circumstances and the consideration and other terms negotiated by the parties are reasonable; and

**WHEREAS**, this sale of right of way and grants of easement must be approved by both Forsyth and Guilford Counties;

**NOW, THEREFORE, BE IT RESOLVED** that the Forsyth County Board of Commissioners hereby authorizes the above-described conveyance of real property for right of way and grant of a temporary and permanent easements across various portions of Triad Park property in exchange for the consideration outlined in the attached letter, which is incorporated herein by reference.

**BE IT FURTHER RESOLVED** by the Forsyth County Board of Commissioners that the Chairman or County Manager and Clerk to the Board are hereby authorized to execute, on behalf of Forsyth County, any necessary documents to convey the right of way and to grant the temporary and permanent easements, as further described herein, to North Carolina Department of Transportation, subject to a pre-audit certificate thereon by the County Chief Financial Officer, if applicable, and approval as to form and legality by the County Attorney.

Adopted this the 26<sup>th</sup> day of October 2017.

**SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY  
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: Forsyth and Guilford Counties DATE: 08-23-2017  
200 W. Market St. TO: Lessee, if Applicable  
Greensboro, NC 27401

TIP/PARCEL NO.: U-4734 / 006  
 COUNTY Forsyth WBS ELEMENT: 36600.2.1  
 DESCRIPTION: SR 2601 Macy Grove Rd. extension from SR1005 East Mountain St. to NC 150 N. Main St.

Dear Property Owner:

The following contingent offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The contingent offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. **Please retain this form as it contains pertinent income tax information.**

Value of Right of Way to be Acquired	\$ <u>66,700</u>
Value of Permanent Easements to be Acquired	\$ <u>975</u>
Value of Temporary Easement (Rental of Land) to be Acquired	\$ <u>2,075</u>
Value of Improvements to be Acquired	\$ <u>0</u>
Damages, if any, to Remainder	\$ <u>0</u>
Benefits, if any, to Remainder	minus \$ <u>0</u>
<b>TOTAL CONTINGENT OFFER</b>	<b>\$ <u>69,750</u></b>

The total contingent offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition

Subject property described in Deed Book 1767, page 3065, Forsyth County Registry, contains approximately 424.950 acres of which 6.064 acres is being acquired as right of way, leaving 33.781 acres remaining on the left with access to Smith Edwards Rd.. Also being acquired is a temporary construction easement containing approximately 0.377 acres, a Permanent Drainage Easement (PDE) containing approximately 0.079 acres, and Permanent Utility Easement (PUE) containing approximately 0.008 acres.

(B) The TOTAL CONTINGENT OFFER includes payment for the improvements and appurtenances described below:  
Trees and Miscellaneous landscaping

Provided there is sufficient time remaining in the project schedule, you may repurchase these improvements for a retention value, with the stipulation that you remove them from the acquisition area at no expense to the Department.

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant or buildable lot, as explained to you by the Right of Way Agent, the total contingent offer would be: \$ N/A. Please note that any contingent offer to purchase a remnant/buildable lot is conditioned upon the remnant/buildable lot being environmentally clean prior to the conveyance to the Department. You may be required to provide the Department with a release from the appropriate environmental agency stating that all contaminants have been remediated and/or removed to their standards.

The original of this form was handed/mailed, if out of state owner, to Michael Anderson (Director - Forsyth County Parks & Recreation Dept.) and Richard Mosher (Guilford County Real Estate Project Manager). on August 23<sup>rd</sup>, 2017  
 Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

I will be available at your convenience to discuss this matter further with you. My telephone number is 336-760-8737

Please be advised that the agent signing this form is only authorized to recommend settlement to the North Carolina Department of Transportation, and any recommended settlement is not a binding contract unless and until accepted by the North Carolina Department of Transportation by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.

(Signed)   
 Deneca A. Russell - Right of Way Agent