

MANDATORY REFERRAL REPORT NO. 01- 43
ACQUISITION AND EXCHANGE OF PROPERTY CONNECTED TO THE LITTLE SUGAR CREEK
GREENWAY THROUGH THE MIDTOWN SQUARE PROPERTY

PROJECT PROPOSAL AND LOCATION: The proposal is to acquire and to exchange property in connection with the redevelopment of the Midtown Square property (rezoning petition number 2001-09) in order to develop this segment of the Little Sugar Creek greenway, and to dedicate land in the nearby floodway for park and recreation purposes.

The following is proposed, in accordance with the accompanying map. It is proposed that parcels A, B and C (collectively +/- 2.66 acres) bounded by South Kings Drive and Independence Boulevard (all of tax parcels 125-106-14, 125-105-12 and a part of tax parcel 125-105-14) be acquired by the County and exchanged for Parcel D (+/- 2.64 acres) located at 618 and 700 Kenilworth Avenue. The Wendy's restaurant originally scheduled for relocation to parcel D would instead be located on parcel A, thus making parcel D available for greenway/park expansion. In addition, it is further proposed that parcels B and C be exchanged for land south of Baxter Street now occupied by the Exxon service station and Bank of America branch providing additional opportunities for greenway and park expansion, and both vertical and horizontal re-alignment of a section of Baxter Street.

PROJECT JUSTIFICATION: This proposal would allow greenway and parkland expansion beyond that originally proposed within the Midtown Square redevelopment plan, and would serve to remove several structures within the 100-year floodway of Little Sugar Creek and its tributary, while enabling all the retail businesses being impacted the opportunity to remain in the area. In addition, by re-locating Baxter Street and raising the elevation of the Baxter Street/Kenilworth Avenue bridge intersection, several public goals are met, including:

- allows the Little Sugar Creek greenway to pass continuously under this intersection,
- allows uninterrupted traffic during street reconstruction,
- raises the road surface out of the floodplain elevation thus improving public evacuation during flood emergency, and
- improves the function of the Baxter/Kenilworth intersection.

PROJECT IMPACT: The proposal will serve to increase the size and dimensions of the greenway and parkland, improve storm drainage in the area by removing structures within the 100-year floodway, and would accommodate the potential relocation of Baxter Street currently under evaluation by city staff in conjunction with the redevelopment of Midtown Square.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS: This proposed action is tied into the Midtown Square redevelopment effort (zoning petition number 2001-09) which calls for the replacement of this aging shopping/theatre complex with a mixed-use village consisting of retail and office space, a hotel, and residences. The "uncapping" of Little Sugar Creek across the site is also proposed. Several public projects are proposed in conjunction with this project, including the expansion of open space, the re-alignment of Baxter Street between Kenilworth and Kings, and the raising of elevation of the Baxter/Kenilworth intersection bridge out of floodway elevation.

PROJECT COST: Land acquisition and exchange will be based upon market values derived from appraisals obtained by the county.

STAFF RECOMMENDATION: Planning commission staff recommends approval of this proposed land acquisition and exchange. Staff further recommends that Park & Recreation staff should continue meeting and working with affected property owners, businesses, and the developer of the Midtown Square project, in order to ensure their continued interest and involvement in the project.

PLANNING COMMITTEE RECOMMENDATION: Approved, 5-0.

Jonathan,

Central Piedmont Community College supports this proposal for land acquisitions by Park & Rec in conjunction with the Little Sugar Creek Greenway. These acquisitions are in the vicinity of CPCC's Central Campus. We would see them as creating an appropriate environment in the area, bringing highly desirable pedestrian and bike connectivity, and providing opportunities for joint use. On the issue of joint use, the College is already working with Park & Rec on possible joint use of areas near campus that are not designated as potential swap sites with other property holders.

Wanda Towler

MANDATORY REFERRAL:

I. Initiating Department: Park & Recreation

Date: July 30, 2001

Submitted By: R. Wayne Weston

Department Representative: Nancy Brunnemer/Neil Luther

II. Project Name: Little Sugar Creek Greenway Midtown Property Acquisition

III. Location and Description of Project:

Parcels B & C:

+/- 2.66 acres bounded by South Kings Drive and Independence Boulevard (all of tax parcels 125-106-14, 125-105-12 and a part of tax parcel 125-104-14) owned by Nicholas W. Wells. These high land parcels would be acquired by the County and exchanged for land to be incorporated into Little Sugar Creek greenway and facilitate removal of existing structures from the 100-year flood plain of the creek.

Parcel D: Midtown Sundries/Childcare Resources Office Building

+/- 2.64 acres located at 618 and 700 Kenilworth Avenue and owned by the Episcopal Diocese of North Carolina. These parcels, located within the 100-year flood plain of a major tributary feeding into Little Sugar Creek, would be acquired by the County for greenway/open space.

IV. Project Justification/Need:

Parcels B and C would be used for a land swap for the parcel owned by the Episcopal Diocese along Little Sugar Creek where the Exxon and Bank of America branch at Kings and Baxter are currently located. This swap would allow the proposed greenway to be extended downstream of the current Baxter Street right of way crossing Little Sugar Creek as well as to realign Baxter Street in accordance with recommendations of the traffic circulation study completed for the Midtown Mall rezoning petition.

Parcel D is the "Midtown Sundries" parcel which would be used to expand Pearle Street Park and Little Sugar Creek greenway downstream of the proposed Midtown project and provide connectivity to Second Ward along Kenilworth Avenue.

A portion of Parcel A will be outparceled at closing and purchased by the Wendy's in order to allow relocation from the existing restaurant facility along East Independence. This Wendy's is currently planned to be relocated to the Midtown Sundries site (Parcel D), which is under option from the Episcopal Diocese to Pappas Properties/Home Expo.

Project Status (check all that apply):

| | | | |
|-------------------------------------|--|------------------------------|----------|
| Nothing done but this report | | <i>Land not yet acquired</i> | X |
| Preliminary plans completed | | Land acquisition underway | |
| Detailed plans completed | | Land acquired | |
| No land acquisition involved | | Project under contract | |

VI. Proposed Development Schedule:

| <i>Task</i> | <i>Begin</i> | <i>Completed</i> |
|--------------------|---------------------|-------------------------|
| Planning | 5/30/01 | 9/30/01 |
| Land | 5/30/01 | unknown |
| Construction | unknown | unknown |

(Identify any known external factors that are critical to the timing of this project. For example, the opening of a major shopping center or construction of a new school.)

VII. Relation of this proposal to other public projects: (Is this project part of a series of interrelated capital projects? Is the project affected by or does it affect other public projects in this area?)

The primary objective of the land exchange is to remove existing businesses from the floodplain for extension of the greenway through this area. This project will have the immediate impact of accommodating the relocation of Baxter Street between Kings and Kenilworth, which is being evaluated by the City in conjunction with traffic improvements related to the proposed Midtown Mall redevelopment project.

VIII. Project Cost Estimate: (Indicate the estimated total project cost and describe how this estimation has been made.)

Land exchanges will be based on market values estimated by appraisals obtained by the County. Values of land and/or funds received by the County must by statute equal or exceed values/funds conveyed by the County to others in this exchange.

