

MANDATORY REFERRAL-REPORT NO. 11-05
Proposed Sale of Two Homes Located on Lila Wood Circle

PROJECT PROPOSAL AND LOCATION:

The Charlotte-Mecklenburg Utility Department (CMU) needed to install a larger sewer line along Briar Creek through the Selwyn Grove subdivision, located off Selwyn Avenue a couple of miles northwest of the SouthPark area, approximately 3.5 miles south of Charlotte's central business district. Approximately five years ago, CMU purchased two improved single family residential properties (5309 and 5335 Lila Wood Circle - PID 17511338 and 17511340), as part of the Briar Creek Relief Sewer Project. A forty-foot wide sewer easement was needed along Briar Creek involving much of the back yards of these two houses, thereby justifying the acquisition.

Blasting was needed to be undertaken in order to construct the sewer line, which was to occur within several feet of the two houses on the two lots, and the Selwyn Grove subdivision was platted and developed prior to the platting of the new FEMA and SWIM flood buffers. The new flood buffers placed both houses almost entirely within the two restricted flood plain zones causing both houses to be grandfathered within the two flood zones and requiring flood insurance to be obtained by buyers. Prior to the sale of these properties to CMU, the property owners met with City Council, voicing their concern about the structural integrity of their houses after the blasting and the fact that their houses were within the flood plain zones (and the corresponding effect that the two issues would have on their property values).

City Council agreed to purchase the two properties with the intention to re-sell the two houses after completion of the sewer line project. The project is now complete and the City is now ready to place both houses (now vacant) on the market.

PROJECT JUSTIFICATION:

City Staff felt fairly confident that the sewer project could be constructed with little if any structural impact to the two houses and that the City could therefore recoup most, if not all of their money back from the resale of the two houses. In the unlikely event that the houses were indeed impacted during construction, City ownership of the properties during construction would have held the property owners harmless from any physical or financial burden caused by the construction.

CONSISTENCY WITH ADOPTED PUBLIC POLICIES:

The purchase of the two houses is a very unusual circumstance and is not likely to occur very often. Nevertheless, the affected property owners' concerns were relieved by the purchase of the two properties.

CONSISTENCY WITH ADOPTED LAND USE PLANS:

The *South District Plan* (1993) prescribes the majority of these parcels for greenway development, with very small segments of the parcels (essentially the "high ground" nearest the street) for single family (3 units/acre) development.

PROJECT IMPACT:

During the period of City ownership (five years), it was discovered that the houses have experienced mold problems that appear in one instance to have been caused by the previous owner piling soil against a bare wall, and in the other instance by poor kitchen ventilation. The plan therefore is to sell the houses "as-is" and disclose the existence of the mold, thereby relieving the City of any claim for any future mold or structural issues.

RELATIONSHIP TO OTHER PUBLIC OR PRIVATE PROJECTS:

This proposed transaction has no relationship to any other projects.

ESTIMATED PROJECT COMPLETION DATE:

The Briar Creek Relief Sewer Project is now complete. The intent is to sell the houses as soon as possible by way of the upset bid process.

JOINT USE TASK FORCE REVIEW COMMENTS:

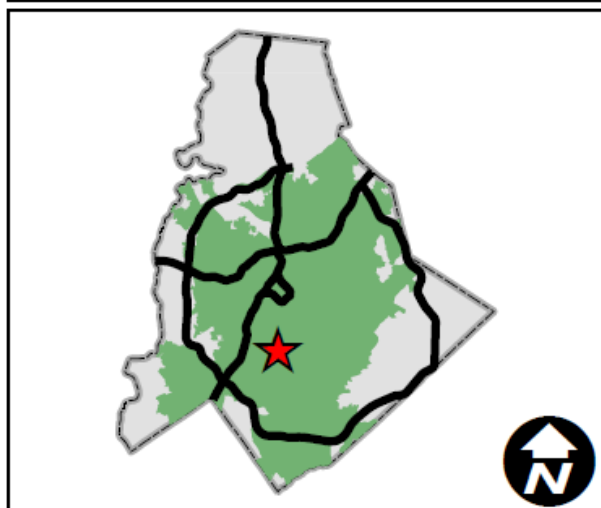
The Joint Use Task Force discussed the matter at their May 4, 2011 meeting and it was suggested that County Park & Recreation be contacted to ascertain whether they wished to have greenway easements established across the parcels prior to sale of the properties. (It should be noted that no representative from Park & Recreation was in attendance at the meeting)

PLANNING STAFF RECOMMENDATION:

The subject properties are along Mecklenburg County Park & Recreation's planned Briar Creek Greenway. Acquisition of ownership or easements for a greenway is necessarily a long-term proposition. The County owns property extending northward from Park Road as far as 5335 Lila Wood (the southerly house). The property at 5335 is a missing link to a strip of open space owned by Selwyn Grove Homeowners Association, which in turn is connected to another sliver owned by the County. The property at 5309 (the northerly house) is another needed link to other property along the creek in still private hands. The County is expected to request provision of easements on these two properties sufficient to construct and operate a greenway in the future. Such a request is consistent with the *South District Plan* land use recommendation of greenway and residential uses, and is consistent with the County's Greenway master plan. As such, staff recommends approval of the request to sell the two subject residential properties, subject to provision of suitable easements for future Greenway construction and operation.

CMPC PLANNING COMMITTEE RECOMMENDATION:

At their May 17, 2011 meeting, the Planning Committee recommended approval (with the stated staff conditions) by a 5-0 vote.



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Submitted by: City Real Estate, E&PM

Initiated by: CMU



Mandatory Referral

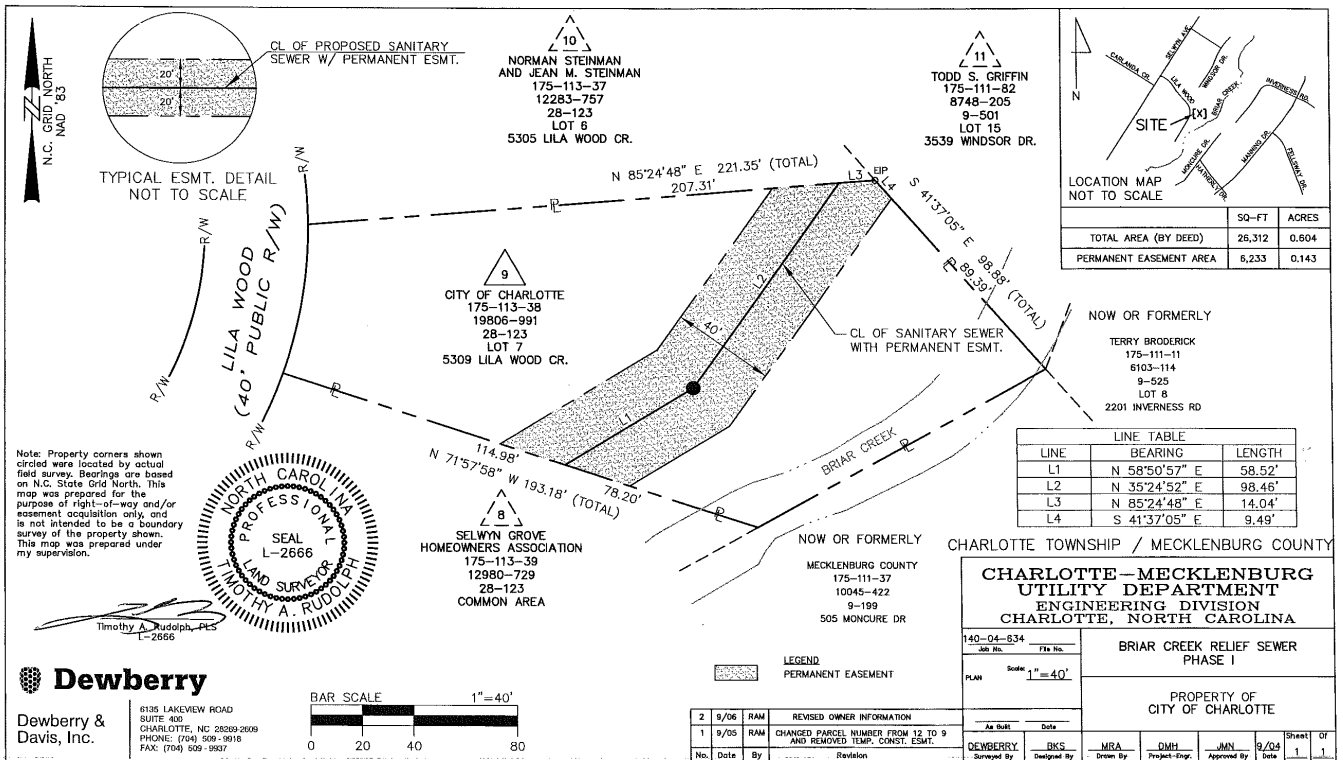


City Property



FEMA 100 Year Floodplain





UTILITY EASEMENTS