

Durham

Trails and Greenways

Master Plan

Appendices

2011



**Durham
Trails and Greenways
Master Plan
History
Appendices**

Updated 2011

Durham City-County Planning Department

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Contents Explained

Durham Trails and Greenways Master Plan

Appendices

Appendix A, Connections and Constraints

The appendix on Connections and Constraints explains what local plans and regulations impact the ways trails are developed and what state and federal regulations must be addressed. It also tells you what larger trails systems the Durham system makes connections with.

Appendix B, Durham Greenway History

The appendix on Durham Greenway History offers a look at Durham's original greenways plan from 1988, what that original plan has accomplished, other adopted plans that discuss greenways and trails, and how citizens have energized the work over the years.

Appendix C, Historical Documents

The final appendix provides the texts of some original documents that have been crucial to the growth of the trails and greenway program in Durham.

Under Separate Cover

Durham Trails and Greenways Master Plan

Section I, Trails and Greenways, Maps and Descriptions

The Master Plan contains maps showing the location of existing and proposed trail facilities around the City and County. It also contains a comprehensive listing of all the trails in each greenway and their status at the time of Plan adoption.

Section II, Goals and Implementation

The Master Plan includes goals, policies, and recommendations for developing the trails and greenways system.

Section III, Standards

The Master Plan also includes standards for how trails should be designed and built, how and what they are named, and how they are managed and maintained.

I. Appendix A, Connections and Constraints

A. Parks and Recreation Master Plan

In 2003, the City Department of Parks and Recreation (DPR) completed a new master plan for parks and recreation facilities. A large component of the planning work was community involvement. The consultants hired by DPR (Moore, Iacofano, Goltsman, Incl.) solicited community input on the type and nature of the facilities they wanted at five community open houses and six workshops. Input came from citizens and other City staff members, a number of in-depth interviews with City and County staff and elected officials, and a mailed-out User Needs Survey (*Parks and Recreation Master Plan*, May 2003).

The Executive Summary notes that three of the plan's primary objectives are to (1) "develop a system of parks, greenways and trails...that fully meet community expectations for quality"; (2) "build public support for a financing strategy to implement the plan"; and (3) "develop benchmarks to measure successful outcomes and increase accountability." The master plan concludes that "Durham is clearly committed to responsible park development and open space conservation."

The User Needs Survey, which was mailed in July 1999 to a random sample of Durham residents, offered the following information, as summarized in the plan:

The dominant interest of adult users of Durham City parks is informal recreation and leisure activities. Walking was the most frequently mentioned activity... Users put pedestrian trails, greenways, and bicycle paths at the top of the list of facilities needing improvement and as priorities for expansion. The clear implication is that citizens will support strongly the future development of a comprehensive network of greenways, nature trails, and cycle ways linking neighborhoods, parks, and other community destinations. The expansion of these facilities will undoubtedly support a much higher rate of user participation in walking, jogging, and cycling. The development of an interconnected network of linear elements, offering an increasing number of neighborhood access points, will tend to reduce the current dependency on car travel to get to parks.

According to the master plan, the User Needs Survey notes that "a citywide map showing locations of all city parks and trails" is a desire of the citizens. It shows that "improvements must also focus more attention on improving the aesthetic appeal and wildlife habitat value of park landscapes. Wildlife viewing is a popular activity."

The summation of the survey results states that “expansion of pedestrian and bicycle trail system is ranked third in the list of priorities for improvement. This conclusion closely mirrors the emphasis noted earlier from several sources of the significance of the recreational value of the community greenway and trail network.” In fact, the consultants remarked that the User Needs Survey presents some clear and possibly surprising results. All nine items that top the list preferences are informal recreational activities. Above others is “walking...mentioned by more than half the respondents.” “The prominence of ‘walking,’ ‘bicycling,’ and ‘dog walking’ all point towards the importance of the trail and greenway system. The natural setting of trails is also important.”



South Ellerbee Creek Trail

The master plan draws conclusions and recommendations from its community involvement process. One statement—“The highest priority needs of park users are spaces and facilities for walking”—suggests that citizen support for greenways and trails both in City parks and as separate facilities remains very strong and that any future bond issues for recreation and parks should include an identified greenways component. The plan itself identifies as a priority action item “a dramatic increase in interconnected greenways, trails, and all manner of facilities for walking, jogging, blading, and bicycle riding.”

The DPR Master Plan also points out some general issues and concerns about parks in the City that have a special relevance to the greenways and trails system:

- a. The Plan notes “there is a critical need to counteract the misperception that there is a high risk of crime in Durham parks.” There have been a few crimes associated with Durham’s greenways, though all the data on greenway crimes indicate that a greenway is as safe as the neighborhood in which it is located. There has been a stepped-up police presence on

the greenways since some early incidents, and lighting has been added to the section of the N/S Greenway. Reducing crime must be a community-wide effort and is not a particular danger of the parks and greenways. The trails committee has recognized this and all of the major trails within the system have been entered into the 911 system.

- b. The Plan suggests that DPR and the City General Services Department collaborate to develop a standards-based maintenance system for parks and assess the additional staff and equipment capacity required to implement the new system. Cooperation among various City staff is even more crucial to the greenways and trails program. Currently greenway planning is done by the Planning Department and DPR, budgeting is handled by DPR, property acquisition is handled by the City-County Planning and the City General Services Departments, and maintenance and management are handled by the City General Services Department. Exactions requested by Planning for zoning map change requests and site plans are checked by the Inspections Department. The system generally works, but sometimes roughly, and with possibilities for communication gaps. In addition, citizens calling to report greenway problem or to ask for information have no clear resource.
- c. The Plan recommends that “An Adopt-A-Park program should be established to encourage community volunteer involvement.” This idea has been implemented by the City Parks and Recreation Department and is very helpful for the greenways and trails system. This has been implemented and provides for more maintenance assistance and oversight of the parks.
- d. The Plan notes a need for “the development of new parks to address the under-served areas south of the city center, to provide for future new growth to the south and east, and to provide space for new, innovative, contemporary park facilities to serve the rising expectations of the citizens of Durham.” The priorities selected by the DUTAG did a good job of distributing the money for trail construction across the City; and the Third Fork Creek Trail and the American Tobacco Trail have put trails where some of the City’s fastest growth has been occurring.

However, there is a need to address other fast-growing City areas, such as the area north of the Eno River, and a need to respond to citizen desires to use the greenway network for more off-road bicycle and pedestrian commuting. In fact, the DPR master plan also notes the need to tie the City’s trails and greenways into a real network “for walking, bicycling, blading, and horseback riding, connecting the open spaces of the city into a unified, user-friendly system.” In this regard, the City adopted the *DurhamWalks Pedestrian Plan* and the City and County

adopted the *Durham Comprehensive Bicycle Transportation Plan* in order to plan for and coordinate pedestrian and bicycle facilities. In the future, the connection of the City's trails should become as important as the distribution of them.

- e. The Plan also discusses the issue of trails within the City parks, an area that was not covered in the DUTAG, as being more specifically the concern of DPR. However, the DOST sees the need to tie City park trails more purposefully into the larger system and to support those trails with any future bond funding, since parks serve both as trailheads and as access points for greenways.



Lakewood Avenue Bridge on the American Tobacco Trail

B. Policies and Regulations Affecting the DTAG Plan

Plans adopted by the City of Durham and Durham County such as adopted open space plans have an effects on trails and greenways planning. There are also policies and regulations at the local, state and federal levels that increasingly have an effect on how Durham designs and implements its trails and greenways system.

1. The Americans with Disabilities Act (1990)

The Americans with Disabilities Act (ADA) was enacted in 1990 to extend the rights of persons with disabilities into the private sector and to those local government agencies and functions which had not been covered by

the Rehabilitation Act of 1973. ADA prohibits discrimination on the basis of disability in public services or facilities provided by state and local governments. It also created a set of accessibility guidelines, the Americans with Disabilities Act Guidelines, which explains how all places of public accommodation are to be made accessible. All paved trails and greenways in Durham, as well as associated facilities such as trailheads and parking, are now designed to be fully accessible. Durham's trails must comply with ADA's construction and alteration requirements.

The U.S. Access Board also created a committee to develop recommended standards for the facilities associated with less developed outdoor recreation areas, such as natural parks and trails. The Board suggested that standards for levels of accessibility—easier, moderate, and difficult—be adopted for natural sites and that sites are clearly signed with information on those standards. The Board also made a distinction between natural recreational trails on a site and Outdoor Recreation Access Routes. These Routes are paths which connect the primary elements of a site (such as restrooms, parking lots, and picnic areas) and must be fully accessible. Durham is currently working to make its trails within parks accessible. When nature trails are added into the City's and County's trails and greenways system, they will be designed to meet current U. S. Access Board standards.

2. Neuse River Basin Nutrient Sensitive Waters Management Strategy (1997-2010)

In December 1997, the North Carolina Environmental Management Commission adopted what chairman David Moreau called "a landmark piece of basin wide water quality planning." It took effect in August 1998, in the Neuse River Basin, an area which includes more than half of Durham County. Similar regulations were adopted for the Jordan Basin in 2009. These regulations went through some additional changes and updates in 2010-2011 and will continue to be an important factor in trail construction. The regulations are aimed at reducing non-point source pollution of the watershed and include new wastewater discharge requirements, nutrient management requirements, and agricultural nitrogen loading reductions and stream buffer protection; however, it is the new riparian buffer requirements which have the greatest impact on Durham's trails and greenways planning.

The buffer requirements state that areas adjacent to a body of water in the basin that contain existing forest vegetation must be preserved and maintained to accomplish sheet flow and maximum pollutant removal. At least 30 feet of streamside buffer containing forest vegetation (named Zone 1) must be preserved; and an additional 20 feet of upland area

adjacent to that (named Zone 2) must be maintained in dense ground cover. Certain uses are allowed in Zone 2, provided that the health of the vegetation in Zone 1 is not compromised.

State regulations classify “greenway trails” as one of the uses allowed in Zone 2, however, according to sections 7 and 8, “Uses designated as allowable may proceed within the riparian buffer provide there are not practical alternatives to the use.” The NC Division of Water Quality considers each request to build a trail in the buffer area and grants or denies authorization based on the proposed construction’s effect on vegetation and water quality. The Environmental Management Commission has proposed similar regulations be adopted for the Cape Fear Basin.

3. Clean Water Act, Sections 401 and 404 (1982, 1999)

Wetlands development in North Carolina is regulated by Sections 401 and 404 of the federal Clean Water Act (CWA). While 95% of the wetlands in North Carolina are located in the coastal plain, 4% of the wetlands recorded in the National Wetlands Inventory (NWI) are in the piedmont region that includes Durham. Many of the planned trail routes in the original DUTAG Master Plan are shown in riparian areas adjacent to Durham’s many creeks; thus, some do impact on wetlands areas.

CWA Section 404 requires permits for development activities in jurisdictional wetlands. (Since 1989, the term “jurisdictional wetlands” has been used for wetlands which conform to certain criteria of wetland hydrology, wetland soils, and hydrophytic vegetation.) Section 401 requires that states certify that a proposed activity will not result in a violation of state water quality standards. Permits issued under these laws require developers to avoid, minimize, or compensate for impacts on wetlands. Section 404 has the most impact on greenway development in or near wetlands areas. It requires that a permit be obtained from the U.S. Army Corps of Engineers before undertaking any activity that will result in the discharge of dredged or fill material into “waters of the United States”—with “waters of the United States” defined as “navigable waters, their tributaries, and adjacent wetlands” (Title 33, CFR§320; NC Constitution IV.5).

Prior to 1999, greenway construction that required any filling in jurisdictional wetlands was minor enough that it could come under the Nationwide Permit (NWP 26) that allowed filling of less than ten acres of a wetland. New regulations, however, have reduced the NWP threshold to fill of one-half acre or less or impact on no more than 300 linear feet of stream bed. For a linear corridor such as a greenway, which might run for a mile or more in close proximity to a creek or in a flood plain, the

threshold is almost always passed, so federal permitting is required. In addition, the U.S. Environmental Protection Agency and the U.S. Fish and Wildlife Service are both notified when a 404 permit is applied for; either of these agencies can comment upon and appeal the Corps' decision to grant a permit.

The impact on Durham's greenways and trails system has been both delays in construction (because of required permitting) and route changes (either moving trails to upland areas where land is more difficult to acquire or moving trails to existing sewer easements where disturbance and fill have already occurred). Certainly, early coordination with relevant state and federal agencies is critical in trail planning.

4. Federal Emergency Management Agency (1979)

The Federal Emergency Management Agency (FEMA) was created in 1979 by combining five agencies and four programs in the Executive branch of the government. Its initial purpose was assistance to citizens struck by disasters too large for local governments to deal with effectively, such as floods, tornados, or earthquakes. Increasingly, however, FEMA has moved into working towards prevention of such disasters. The National Flood Insurance Program (NFIP) has created a system of maps of Flood Hazard Areas, using hydraulic studies to plot the different potential 100-year flood zones on almost all significant rivers and creeks in the country.

Any project that is planned for construction in one of these flood zones must not only comply with the local government regulations and standards for such construction, it must also receive a CLOMR (Conditional Letter of Map Revision) or LOMR (Letter of Map Revision) from FEMA when that construction is in the floodway. A CLOMR is FEMA's comment on a proposed project that would affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway. A LOMR is an official revision to the NFIP map (which can, of course, change flood risk zones and flood plain and floodway boundary delineations).

Since a greenway is a flat structure that creates a fairly small amount of impervious surface it does not in itself have much trouble getting a FEMA approval. But any boardwalk structures or bridges that are part of a greenway may be judged to be enough of a barrier in a creek's floodway to cause a rise in the flood levels. Durham's staff and greenway construction consultants have had to work to get both bridges and boardwalks permitted and have had to make significant revisions in construction plans or route plans in some instances.



South Ellerbee Creek Trail

5. US Army Corps of Engineers Project Lands

Durham is fortunate to have two large reservoirs on its borders, Jordan Lake to the southwest and Falls Lake to the east and northeast. Those federal lands with their watershed buffers, provide invaluable green space for the County's human and animal residents. Since those properties are public lands, they are available for hiking. However, neither of the agencies managing those lands, the Corps of Engineers and the North Carolina Wildlife Resources Commission (to whom much of the land is leased), are in the business of recreational trails.

In a letter following a meeting in 1999 with representatives from Durham, the WRC outlined its position on trails in the lands it manages at Jordan Lake. The agency said, "Congress authorized the project lands to mitigate the significant impact from the construction of the reservoir...and to provide protection of the reservoir." The WRC manages a large portion of these lands as permanent game lands, for the primary purpose of hunting, fishing, and wildlife observation. State Parks and Recreation currently manages some areas as permanent recreation sites...The current management...is mostly compatible and provides complementary public benefits. However, as use of these public lands increases there is real potential for conflict between user groups, adverse

impacts to plant and animal communities and health and safety issues to occur. Therefore, any trail system will require careful planning and management to address these issues and to protect the intended uses of these lands and prevent degradation...The no trail alternative is obviously preferred from the perspective of habitat conservation and some wildlife recreation activities. However, we believe some limited nature trails can be compatible with natural resource conservation and wildlife recreation if properly planned and managed.

Several planned trails and greenways in the Durham system are indicated on maps as stopping at the border of Falls Lake and Jordan Lake project lands. A developed trail on project lands will not be indicated on Durham plan maps unless the route and trail standards have been agreed to by representatives from the Wildlife Resource Commission (WRC) and the US Army Corps of Engineers (USACE). However, the goal is that City and County trails will continue into these public lands.

Durham City or County trails that run into State lands—such as Hill Forest or Eno River State Park—will only be placed connecting with existing trails on those properties; the same protocol will be followed for trails on private lands which are open to the public, such as Duke Forest.

6. North Carolina's Million Acre Initiative (2000 -2009)

In May 2000, the North Carolina General Assembly passed a law that is intended “to encourage, support, and accelerate the permanent protection of farmland, forestland, parkland, gameland, wetlands, open space, and conservation lands” in the state. This measure is a response to information gathered by Governor Hunt’s Interagency Task Force on Smart Growth; it found that open space preservation was a primary citizen concern across the state. The Million Acre Initiative is a plan that sets forth a strategy for achieving the goal of adding one million acres to North Carolina’s current assemblage of permanently protected open space and farmland by the end of 2009.

The State’s role in this initiative includes (1) setting an example by accelerating its own acquisition of open space lands, (2) encouraging and facilitating acquisitions by local governments and private land trusts, (3) encouraging and facilitating mutual planning among local governments, and (4) serving as a communications clearinghouse for open space data and information.

The initiative created a partnership among local Councils of Government and the State’s Department of Natural Resources (DENR); the lead agency for the project is the State Division of Parks and Recreation accomplished most of their mission by 2009, since one of its six stated goals was to

“provide public access to outdoor recreation”—including greenways, trails, and urban green spaces. With the recent economic climate various State and Federal budget cuts have hampered additional funding sources that could impact Durham Trails.

7. Triangle Regional Greenprint (2000-2011)

One regional spin-off of the Million Acre Initiative is the Triangle Regional Greenprint project, jointly sponsored and managed by the Triangle Land Conservancy (TLC), the Triangle J Council of Governments (TJCOG), and DENR. In November and December 2000, the three organizations hosted charettes of Triangle area professionals to map and discuss lands either currently preserved or in need of preservation in the categories of (1) natural areas, (2) parks and greenways, and (3) farmland and forestland. Several planners from Durham participated in these discussions.

The Greenprint, as it evolves, is expected to be used to demonstrate how regional planning might be able to work to solve some of the regional pedestrian and bicycle transportation needs. One goal of the Greenprint section on greenways is to link existing greenways plans (such as Raleigh’s, Durham’s, Cary’s, and Chapel Hill’s) so they can be integrated into an overall regional greenway plan. A regional plan could ensure that local sections could meet at jurisdictional lines, could have similar construction and signage standards, and could be planned for construction at similar times. Good GIS coverage of existing and planned greenways is also a crucial element of a regional plan. This plan is in the process of being updated.

The Triangle GreenPrint Project is an initiative to help the Triangle protect a linked network of green space as the region grows. By identifying the Triangle's essential green infrastructure and showing how it fits together on a regional scale, the Green Print is helping communities, land management organizations, and the general public maximize the investments they make in green space protection.

The project is sponsored by the Triangle J Council of Governments, the Triangle Land Conservancy, and the North Carolina Department of Environment and Natural Resources. In turn, these organizations are working closely with a variety of other partners including local governments, nonprofit conservation organizations, state and federal agencies, universities, and citizens.

Phase 1: The Technical Phase of the project brought together more than 140 green space experts from across the Triangle to identify important open spaces across the region. This work is summarized in the [Triangle](#)

[Green Print Regional Open Space Assessment](#) that was completed in February of 2002.

Phase 2: In the Public Outreach Phase, project staff made public presentations across the six-county study area to share the information collected in Phase 1 and solicit feedback. A total of 25 presentations and displays were made to more than 800 people. The Board of County Commissioners in each county in the study area (Chatham, Durham, Johnston, Lee, Orange, and Wake) then adopted a resolution of support for the project, pledging to use the Green Print information in its planning and protection work, and participate in efforts to create a regional green space network. An [Outreach Report](#) summarizing the work of this phase was completed in July of 2003.

Phase 3: In March of 2003, the Green Print sponsors launched the Tracking and Coordination Phase of the project. This component of the project will identify and track all the current and planned land protection and trails projects in the region. The project team will then use GIS to compare these places with those identified in Phase 1 to measure the progress the region is making toward protecting a linked network of green space. This information will also help land management organizations identify new land protection opportunities and serve as a catalyst for greater cross-jurisdictional collaboration on land protection and trails initiatives. The project is helping Durham and the Research Triangle Region to maximize the investments it makes in open space protection, and preserve a linked network of green space for current and future generations of residents. Since its inception in 2003 this project has had regular input from the surrounding counties and continues to incorporate the needs of the region into an updated data base.

8. NCDOT 1994 Administrative Action

The NCDOT policy is fully titled, “Administrative Action to Include Local Adopted Greenways Plans in the NCDOT Highway Planning Process.” With this policy, NCDOT says it “recognizes the importance of incorporating local greenways plans into its planning process for highways.” The policy directs the Department’s planners, within engineering and budget constraints, to make provisions for greenway crossings or other greenway elements on highway projects. A Durham Open Space and Trails Commission representative served on the statewide Governor’s Greenway Commission which developed and recommended this action

It does require local governments to notify NDDOT of Greenway plans, to justify greenways as transportation facilities, and to formally adopt greenways plans. Because of this policy, Durham and NCDOT highway

engineers have worked together on several greenway projects where the City's planned system intersects the major improvements made on I-85.

All of these plans and policies have an impact on Durham trails and greenways, whether it's matching up trails on our borders with trails from Chapel Hill and Raleigh or trying to get trail routes in riparian areas approved by FEMA and the Corps. Also, any federal or state source from which the trails program receives funding has certain associated guidelines. Durham has received significant grant funding from ISTEA and its successor TEA-21, for instance, federal money that is administered by the North Carolina Department of Transportation. That source dictates certain construction standards, such as trail width and signage, which must be met.

C. Durham Ordinances

Fee simple purchase of land is not the only way that the City and County can acquire land for trails and greenways. The 1988 DUTAG Plan noted that easement or fee simple dedication could be requested from a developer during the process of approval of a development plan for a zoning map change. That process of requested dedication has added many parcels to future greenway corridors, even when there is currently not a plan for active acquisition or construction in a particular corridor.

Durham's ordinances regulating land use have evolved over the past two decades. With each revision, provisions for securing trails and greenways in new development have been enhanced. In January 2006, the Unified Development Ordinance (UDO) became effective and replaced the Durham Zoning and Subdivision Ordinances. The intent of the UDO was to house under a single regulatory roof all of the land use regulation in Durham. Several sections of the UDO in particular contribute to the goal of developing a trails and greenways system in Durham.

1. Intensity Standards

Article 6, District Intensity Standards, proscribes open space standards for all residential zoning districts in Durham. Required open space varies with the Tiers identified in the *Durham Comprehensive Plan*: the Rural, Suburban, Urban, and Compact Neighborhood Tiers. Generally, the closer new development is to the central city, the lower the open space requirement. In tables for each Tier, the UDO established the proportion of the development site that must be devoted to open space.

For example, new development in the Residential Suburban-10 (RS-10) district must preserve at least 15% of the gross land area of the site as open space and five percent must be usable open space. New development in the Residential Urban-5 (RU-5) district must preserve at

least five percent of the gross land area in open space. Required open space in the Compact Neighborhood Tier district, Residential Compact (RC), must be not less than two or five percent, depending upon the distance from the transit station serving the district.

2. Design Standards

Provisions of Article 7, Design Standards, Section 7.2, Open Space, indicate how much of the required open space must be in natural open space (such as agriculture, natural areas) versus useable open spaces (such as ball fields, tennis courts, and walking and bicycle paths). Other provisions of Section 7.2 indicate where the open space must be located relative to the housing units and what kinds of provisions are required for long term management and maintenance of the open space.

3. Infrastructure

Article 12, Infrastructure and Public Improvements, Section 12.5, Recreation Land begins with the statement that,

...Provisions for both active and passive recreation areas, including parks, greenways, and trails, consistent with adopted policies, plans, and regulations shall be made for all developments. All such land shall be dedicated or reserved and shall satisfy applicable City or County site suitability standards with regard to location, area, and potential use.

4. Subdivisions

Section 13.2, Consistency with Public Plans and Policies, requires that the subdivision of land be consistent with adopted public plans and policies. This includes general development objectives in the *Durham Comprehensive Plan*, as well as specific policy or plans for public facilities such as Durham's trails and greenways plans.

Taken together, these requirements of the UDO encourage the provision of trails and greenways in new developments. New development must provide open space; some of the open space must be usable for active recreation such as walking and bicycle paths. New developments and the infrastructure they provide must be consistent with adopted trails and greenway plans. The City and County have been very successful since in securing trails and greenways through these requirements. In this manner, trails and greenways in new developments complement the trails and greenways that are constructed through existing neighborhoods.

Implications for Trail Development

Durham's land use regulations have evolved to be more protective of the natural environment. They limit development in natural floodplains, on steep slopes, and adjacent to streams and wetlands. They require tree surveys prior to development and require tree save areas. These requirements provide a great benefit to natural resources potentially affected by development, but they also impact the trails and greenways program.

On one hand, requirements for saving more undeveloped spaces have encouraged new developments to dedicate land to the City for greenways. A greenway is an excellent use for land that is not developable for more intense purposes. On the other hand, state and federal regulations can make developing a greenway trail in a riparian area both difficult and expensive, even though the UDO allows for passive recreational activities, such as trails, in stream and wetland buffers. On balance, the UDO's natural resource protection features have aided greenways; but future public land acquisition for greenways needs to factor them in, as does any private development in the City and County.

D. Durham County Open Space Corridor System Plan

Durham County prepared and adopted in 1989 a comprehensive program and action plan for open space protection. The *Durham County Open Space Plan* described the need for County-wide open space planning and protection. It identified environmentally sensitive areas for protection, including streams, floodplains, wildlife habitat areas, public open space lands, and strategic private open space lands. The Plan recommended establishment of a citizen advisory commission, creation of an open space acquisition program, a strategy for acquiring open space land, and land use regulations to preserve open space.

The City of Durham includes a large part of the land in Durham County. The Urban Growth Area (UGA), in fact, includes more than half of the County. Large areas of land which are not in the City are under another jurisdiction as well as the County. For example, Research Triangle Park and the U.S. Army Corps of Engineers project lands at Falls Lake and Jordan Lake. The land in the County contains some of the region's most valuable and unspoiled natural resources in the Little River corridor, the Flat River Corridor, and the watershed of Little Lick Creek and its tributaries.

As the Corridor Plan notes, while "the City efforts contribute to the overall quality of life in the Durham community, they cannot go far enough to protect important open spaces in the County. The DUTAG program and the parks and

recreation program do not deal specifically with natural areas...or the County-wide need for more passive recreation land for County residents.”

The City’s and County’s trail efforts have always been planned to be complementary. The Durham Trails and Greenways (DTAG) Master Plan will not alter that goal, nor will the completion of the more specific plans for the river corridors in the County. Much coordination of the two trails and greenways efforts have already occurred and changes in the future will involve looking at how we can connect these trails with adjacent counties and larger open space areas. Both the City’s and the County’s elected officials adopted the DUTAG Plan and specific open space plans:

- *The New Hope Creek Corridor Plan;*
- *The Little River Open Space Corridor Plan; and*
- *The Eastern Durham Open Space Plan.*

Land acquisition and trail-building in these areas have been joint City and County efforts.

The trail corridor route maps adopted in the County Open Space Corridor System Plan were planned to connect to routes of the trails and greenways master plan where appropriate. These trail corridors were conceptual; the intent has been to develop each corridor plan with a more detailed and specific map after further study of natural features. *The New Hope Creek Corridor Open Space Plan* was completed in 1992. *The Little River Corridor Open Space Plan* was completed in 2001, and the *Eastern Durham Open Space Plan* was completed in 2007 these plans fleshed out trail locations and additional open space acquisitions.

The *DTAG Master Plan* looks at the trails and greenways in the City and County not by jurisdictional lines but by function. It recognizes two basic types of trails that exist in Durham City and County. Transportation/mixed recreation use trails will be developed primarily in the downtown, compact neighborhood, urban, and suburban tiers. Recreation and nature trails will be developed primarily in parks and in environmentally sensitive areas, including the river corridors in the County. There are also trails on streets and sidewalks, which are a part of the larger transportation system and



Old logging roads cross the site of Little River Park

linked to the urban/suburban greenway systems. The occasions and criteria for these types of trails are discussed in Section III.

The *DTAG Master Plan* recognizes the differences between City and County trail and greenway programs: different acquisition funding mechanisms, different (if partially overlapping) user groups, and different systems for trail maintenance and management. However, the planning for both systems is done by the City-County Planning Department, and the Unified Development Ordinance determines easement exactions for both.

As the County's Corridor plans continue to be written, they will further develop the more general routes that are set forth in the *DTAG Master Plan*. The user survey that is a part of the County Open Space Corridor System Plan suggests that in general County trail user needs are similar to those identified by the City Park and Recreation Master Plan survey. Among the survey responses were the following: 78% wanted trails available throughout the County, trail hiking was one of the top five activities listed as needing better facilities, and 53% said they owned and used a bicycle. Likewise, the *DTAG Master Plan* will not try to dictate but will complement site-specific recreation/nature trails in environmentally-sensitive areas including Natural Heritage Inventory locations, the Flat and Little River corridors, and the Eastern Durham creek corridors and the New Hope Creek area.

E. Coordination with State and Regional Greenways and Trails Plans

Other trail systems are being planned and constructed in the Triangle region that offer opportunities to connect the City and Durham County with an extensive network of trails beyond our jurisdictional borders.

1. The Mountains-to-Sea Trail

The sections of this trail owned and managed by the NC Division of Parks and Recreation now officially form a State Park. Other sections are being constructed by volunteer groups and local governments on other public land across the state with assistance from the NC Division of Parks and Recreation. The trail is planned to run from Stone Mountain State Park in the west of North Carolina to Jockey's Ridge State Park. In Durham, the trail's proposed route is along Falls Lake. It enters the County on the west by running through the Eno River State Park, along the Eno Greenway, and then leaves the County on the east through the Falls Lake Project Lands exiting onto Highway 50 into Wake County for a total of 29 miles.

2. The American Tobacco Trail

The American Tobacco Trail (ATT) runs from downtown Durham south into Chatham and Wake Counties. The first 11 miles of this 23-mile trail are in Durham; the first three miles of the trail were opened in June of 2000. The last remaining portion of the ATT to be constructed is the bridge over I-40. While maintenance and management are being taken on by the local jurisdictions, the volunteer Triangle Rails-to-Trails Conservancy (TRTC) has worked to ensure that issues like signage, trail standards, and mapping are consistent along the route. The TRTC may in the future take on maintenance of some sections of the trail through a volunteer friend-of-the-trail program.

3. The East Coast Greenway

The East Coast Greenway (ECG) is a national north/south trail, envisioned to run from Calais, Maine, to Key West, Florida. The route within each state has been designed and planned by a state chapter, coordinated by the national East Coast Greenway Alliance. In North Carolina, the route enters the state from Virginia near I-85 and US 1, passes through Durham, runs along the Cape Fear River, then into South Carolina near Wilmington. The American Tobacco Trail in Durham is the first segment of the ECG to be designated in North Carolina.

4. The Triangle “Greenprint”

Increased regional planning and cooperation may help link Durham’s trails and greenways with those of neighboring jurisdictions. Some joint work is already ongoing between Durham and Orange Counties with the Little River Regional Park purchase and Hollow Rock Park on Pickett Road.

5. The New Hope Creek Corridor Plan

As previously discussed, the New Hope Creek plan shows trails connecting between Durham and Orange Counties in many places in the corridor. Durham and Chapel Hill have also been discussing how to link a major greenway along Dry Creek, roughly parallel to US 15/501. Additionally, the future construction of transit in the area may facilitate more connections while still protecting this very environmentally sensitive area.

II. Appendix 2, Durham Greenway History

A. The 1988 Durham Urban Trails and Greenways Master Plan

In *Greenways for America*, author Charles Little notes that the greenway movement actually began in the 19th century with Boston’s “Emerald Necklace” park system designed by landscape architect Frederick Law Olmsted. Little characterizes that movement from its inception as being “citizen-led,” with greenways and trails across the country proposed and created under the leadership of community members who have a vision for their city (*Greenways for America*, 2nd edition, Baltimore, 1995).

Durham made its commitment early in the 1980’s for this community to have a trails and greenways system. In 1982, the Public Works Committee of the City Council, on the initiative of Chairman Carroll Pledger, appointed a subcommittee to consider the possibilities of greenways in Durham. Council members Jane Davis and Sylvia Kerckhoff were instrumental in the initial work of the subcommittee and in the preparation of the report and recommendations. Based on report’s findings, the subcommittee recommended the formation of a Trails and Greenways Commission. The City Council established the Durham Urban Trails and Greenways Commission on June 20, 1983—made up of citizens representing all parts of the community—to develop and implement a plan for a trails and greenways system.



A portion of the South Ellerbee Creek Trail also known as the Quarry Trail

A Trails and Greenways Master Plan map was prepared by the Commission and adopted by City Council and the Board of County Commissioners in 1985. This map identified 118 miles of corridors to be priority routes for transportation and recreation trails, based on six criteria: evidence of use and neighborhood interest, prevention hazards and accidents, presence of or connection to activity centers, population density and projected development, expedient links through public land or other trails, natural corridors such as streams, and the availability of land for trail development. Another Master Plan map was prepared of on-road bicycle routes and adopted by the Council and the Board in 1988 to guide transportation-funded improvements.

The Durham Urban Trails and Greenways Master Plan (DUTAG) was subsequently written to accompany the map. It was adopted by the Council and the Board in 1988 and had been the handbook for the system's development for twelve years, guiding both land acquisition and trail development. That plan envisioned "an extensive network of greenways and paths for bicycles and pedestrians...which will be a unique amenity for the community. It will offer scenic and safe routes for transportation and recreation on a human, non-mechanized scale. Linear open space corridors will provide protection of floodplains, vegetation and wildlife."

The DUTAG also noted that,

...the development of such a system requires a plan to guide implementation over many years...a guide to coordinate the many decisions necessary during implementation. The Subdivision Review Board, Planning and Zoning Commission, City Council, and staff can use the Master Plan to guide public Policy deliberations. The Plan will promote private actions and investments to create a unified system of public and private greenways. Planning for City infrastructure can be coordinated with planning for trails and greenways. Both long-range policy decisions and short-range implementation will be guided by the Plan, and it will serve as a standard by which to evaluate Progress." Both the map and the DUTAG Plan included all of the City's Urban Growth Area (UGA) as proposed in the 2005 Durham Comprehensive Plan.

Both the map and the DUTAG Plan included all of the City's Urban Growth Area (UGA) as proposed in the 2005 Comprehensive Plan.

On October 5, 1985, the first completed trail segment in Durham, the Rock Quarry Trail, was officially opened. A brochure was printed with a map and description of the trail, as well as a general description of the proposed trails and greenways system. A second segment, a portion of the Rocky Creek Trail connecting Fayetteville Street Elementary School, Elmira Park, and Shepard Middle School, opened in May, 1988. A third segment in 1989 extended the

Rock Quarry Trail north from Murray Avenue through the Edison Johnson Community Center and Rock Quarry Park. The Durham greenways system was on the ground and starting to grow.

The DUTAG made it clear that the Durham community could expect to receive significant benefits from instituting a trails and greenways program:

- a. Minimization of soil erosion and sedimentation;
- b. Assistance in flood control;
- c. Habitat protection for plants and animals;
- d. Air and water pollution control;
- e. Microclimate control;
- f. Social and economic benefits such as health and civic pride; and
- g. Aesthetic benefits.

In fact, Durham has been reaping these benefits from the greenways established between that first trail in 1985 and today in 2011—both from the trail system itself and from collateral projects associated with a trail. The original DUTAG Master Plan was amended in 1992, 1996, and 1997 to include new routes and route alterations, including the American Tobacco Trail.

B. Trails and Greenways in Durham 1988-2000

The nature of plans is anticipating and directing the future shape of a community. In what it anticipated for Durham and how it directed the development of trails and greenways through the 1990's, the DUTAG was remarkably successful, even though it missed a few turns of development.

1. Trail Miles Needed

The DUTAG-identified greenways and trail routes add up to an estimated 118 miles, excluding street and sidewalk routes. This number was deemed suitable, according to the National Parks and Recreation Association (NPR) standard of twenty-five miles of trail for every 50,000 citizens, to meet Durham's growth into the year 2005. Durham's population in 2005, within the Urban Growth Area, was predicted to be approaching 276,000.

Current census data show that the City grew from 136,594 people in 1990 to 179,989 in 2000. That rate of growth has continued through 2011, and has taken the City to the 231,703 and the County to 271,132 population marks. But the NPR has also changed its standards for how many miles of trail a community needs. Rather than trying to set an arbitrary miles-per-citizen figure, it suggests that each community should determine its own level of "sufficiency" for trails. Durham citizens, in bond issues and surveys, have repeatedly said that off-road trails are a positive community good and that they support the proposed system.

The State Comprehensive Outdoor Recreation Plan (SCORP) notes that “walking for pleasure” is consistently ranked the highest by citizens in popularity and as a usage they would pay to support. Both “future demand” and “public support for funding” were ranked “high,” in fact receiving the highest ranking among the 43 recreational activities scored in the survey (*North Carolina Outdoor Recreation Plans 1995-2000*, September 1995, NC Division of Parks and Recreation). That same survey ranks “bicycling for pleasure” as fifth of 43 activities in future demand and eleventh of 43 in support for public funding. The SCORP also ranks counties by number of trail miles per resident; Durham County (which includes State and City trails) reported to the survey 31.4 miles of trails—5,950 residents per mile—for a rank in the state of 45 out of 100 counties.

2. Rail-Trails

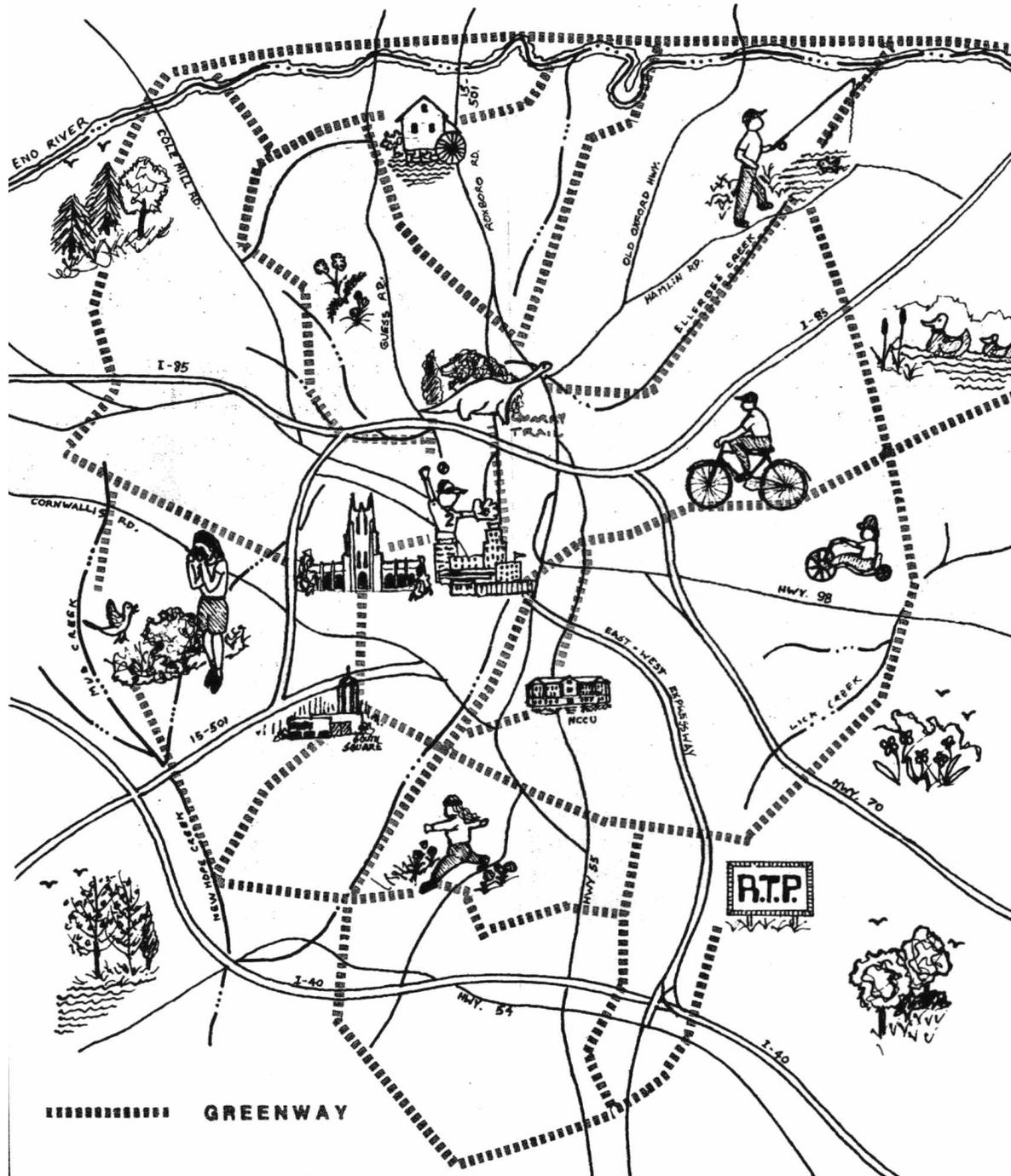
The Durham Urban Trails and Greenways Commission was very much aware of rail-trails as a possibility for Durham. The DUTAG notes that “two resolutions initiated by the Commission were passed by City Council on April 21, 1987. These resolutions incorporated already-abandoned railroads into the Master Plan Map.” A subsequent resolution adopted by City Council on March 6, 1989, incorporated “existing and future abandoned railroad corridors into the Durham Urban Trails and Greenways Master Plan” (see Appendix A).

The Commission’s political work set the stage for the growth and success of another citizens’ group, the Triangle Rails-to-Trails Conservancy (TRTC). This group was created in 1990 with help from the Commission. Their specific goal was the rail-to-trail conversion of an abandoned corridor running from downtown Durham south through Chatham County and into Wake County, a corridor which was named “The American Tobacco Trail” after the trailhead location in Durham. A Master Plan for the American Tobacco Trail corridor, funded by a State grant, was prepared by the private firm Greenways, Inc.; and its recommendations were adopted into the DUTAG.

From 1995 until 2000, Durham worked with NCDOT and private landowners to acquire the corridor for a trail. NCDOT purchased the lion’s share of the corridor in Durham, leasing the right-of-way to the City. The City purchased other parcels to fill in the “gap” created by the construction of I-40. With its own funds, plus significant funding assistance from ISTEA, Durham put the first three miles of the American Tobacco Trail on the ground in 2000. Another four and a half miles have been completed and the last remaining phase connecting the missing link is a separate bicycle and pedestrian bridge over I-40 slated for final

construction in late 2011 or 2012. The trail upon completion will be 23 miles and continue south into Wake and Chatham Counties.

DURHAM TRAILS & GREENWAYS



This map from the City's original trail brochure shows a greenway system that connects key points around the City and County.

However, two other rail-trail projects in Durham are still on hold—specifically the downtown loop, also known as the Duke Beltline, and the route north toward Person County. The success of the Triangle Transit Authority’s planning efforts for a



This abandoned railroad corridor has become the American Tobacco Trail

regional rail line through downtown Durham has encouraged the railroad companies to hold onto those lines for possible future commuter rail use. These projects are being negotiated as of this writing. Another City project, the Panther Creek Trail, is also routed along an abandoned rail line; though in its case the line has been abandoned long enough that ownership of the properties has reverted to the adjacent landowners. Nonetheless, the City is pursuing the trail route as its potential link to the Mountains to Sea Trail along Falls Lake and has acquired a few pieces of the abandoned line.

The TRTC also maintains a three mile rail-trail in southern Durham County through an agreement with the NC Wildlife Resources Commission; though the organization is private, the trail is open to the public and provides access to Jordan Lake.

3. The New Hope Creek Corridor

The DUTAG expresses cautious optimism about a “cooperative effort between Durham City, Durham County, Carrboro, Chapel Hill, Orange County, and Duke University” just getting underway in the late 1980’s. That effort, the plan notes, “may result in preservation of open space and possible trails” in a corridor along the New Hope Creek, from Jordan Lake through Duke Forest, and eventually to the Eno River.

In fact, that cooperative work resulted in the New Hope Creek Corridor Master Plan—adopted by Durham City and County, Chapel Hill, and Orange County in 1992—and the formation of the New Hope Creek Corridor Advisory Committee (NHCCAC). The NHCCAC was created of representatives from all four jurisdictions to shepherd an ambitious program of protecting the corridor and developing some recreational use of its lands as they were acquired.

It has been a successful undertaking. As the NHCCAC's 10-year report notes, approximately 800 + acres of land in the corridor have been placed under some form of protection beyond that provided by regulatory controls, from purchase to easement. The report also notes that "at the start of field studies for the New Hope Creek Master Plan in May, 1989, not one inch of public trail existed in the entire planning area. By May 2000, over five miles of nature trail has been constructed by four jurisdictions and our regional land trust, with another 3 miles of trail maintained by volunteers" (*The New Hope Creek Corridor Master Plan and the New Hope Creek Advisory Committee: Ten Years Later*; Durham and Chapel Hill, privately published, 2000). Additional land acquisition and environmental stewardship and trail construction has continued to occur and the community strongly supports this master plan. Large wildlife corridors have been further protected with the replacement of the US 15-501 Bridge. Construction of the new bridge over New Hope Creek was closely monitored by the New Hope Creek Corridor Advisory Committee, which negotiated design changes with NCDOT to the bridge for better trail usage.

The recommendations of the *New Hope Creek Corridor Master Plan* were incorporated into the DUTAG as well, though much of the land purchase in the corridor has been made by Durham County rather than the City. Since 2001, plans are underway by the City for the development of the Sandy Creek Park and the Sandy Creek Greenway, based at a former wastewater treatment plant in the corridor. This park will serve as an environmental area that can be visited by many citizens with various recreational needs and it contributes greatly to the New Hope area. It has been recognized by the Citizen's of Durham and the New Hope Advisory Committee that this plan should continue to serve in conjunction with the New Hope Master Plan as a guiding document for the best possible environmentally sensitive trail construction within the New Hope Corridor. In most all cases, this constitutes natural surface trails only where we have those constraints.

The County received a Clean Water Management Trust Fund grant of \$750,000 in 1997 to continue its land acquisition in the corridor and additional funding has been leveraged throughout the years with stream restoration projects and other alternative sources. Additional funding has also been obtained through small grants. These will continue to facilitate additional construction of trails in Sandy Creek Park. The park is a very accessible area for handicapped individuals who may want to experience nature up close and might be wheel chair bound. It has a number of champions that include Durham Academy and the Friends of New Hope who have taken it on as a larger project. Volunteers in this context have

had a huge impact in Sandy Creek Park and the New Hope Corridor and will continue to do so.

4. Funding

Funding is the fuel that converts a plan into implementation. The 1988 DUTAG observed correctly that “many different sources of funding and support are necessary” to build trails in Durham. It listed five possible funding sources for trail and greenway construction: (1) an annual budget allocation from the City, (2) impact fees, (3) bond funds, (4) NCDOT funding for incidental bicycle projects, and (5) NCDOT funding for independent bicycle projects. These funding sources have been tapped with mixed success, while the trail-funding federal programs under ISTEA and TEA-21 had not been created in 1988.

The City did allocate \$400,000 from the existing 1986 park and recreation bond funds to the trails and greenways program at its inception in 1989. But its continuing allocation from the general budget has been limited to annual budget constraints and financial support for the citizens’ advisory commission is often in flux.

The major support for development of the program in the City has come through two bond issues, one in 1990 and another in 1996. The 1990 bond designated \$3.2 million for “trails, greenways, and other open spaces...including the acquisition of



The ATT from the south, looking towards downtown

land and rights of way, the development, construction, and improvement of trails, greenways and other open spaces and the acquisition of any necessary equipment” (Appendix B). The bond in 1996 designated \$4.1 million for “additional trails, greenways and other open spaces” (Appendix B). Those two amounts have funded not only land acquisition and a staff person to do the acquisition but also trail construction and grant and impact fee matching dollars. All of those bond monies have been expended.

The impact fee funding has been a bit slower in getting underway. In its first years of existence, it provided amounts too small to purchase much in the way of land or construction, especially since its expenditure is limited to the same area of the City in which the funds were exacted and requires a 50% match from some other source. The City's Parks and Recreation Department notes that the total impact fee collection from 1990 through 1998 was \$499,067. However, there are now trail projects in all sections of the City; so those funds can be drawn down. This source may increase in the near future as the housing market rebounds

The North Carolina Department of Transportation (NCDOT) has proven to be a major player in Durham's trail and greenway development. It funded development and publication of the Durham Bicycle Map in 1991 for on-road bicycle routes. Staff received a grant for a new "Durham Bike and Hike Map" which has been published, updating the biking and hiking routes throughout Durham. This has been well received by the public. But its main contribution to this program has been the support and additional funding for the American Tobacco Trail. The City received a federal Intermodal Surface Transportation Equity Act (ISTEA) grant in 1997 for construction of the first 6 miles of the trail (downtown to NC 54) under an 80/20 matching grant agreement after NCDOT had leased the railbanked corridor to the City. The Bicycle and Pedestrian Division of NCDOT provided engineering plans for the project.

Total costs of the first three miles of the project—determined mainly by necessary construction of five bridges—was \$1.2 million. Funding for \$300,000 of the \$400,000 Riddle Road spur trail, another 1.5 miles, was included in the Transportation Improvement Program as NCDOT independent project money. The Riddle Road Spur has been completed. NCDOT has also agreed to fund a short greenway connector trail near Duke Park as part of an I-85 upgrade project and a tunnel under the interstate for the West Ellerbee Creek Trail as another part of that same project. This portion is under design as of this writing.

Finally, the City received a TEA-21 grant (Transportation Equity Act for the 21st century, ISTEA's successor) for \$465,799 in 2000 for construction of the first phase of the Eno River Greenway from West Point on the Eno Park to River Forest Park. This bridge has been completed and traverses the ENO.

The DUTAG observes that private funding is also a potential source of financial support for the trails and greenways program and that “in some cases, trails are constructed by developers.” To



Construction of the American Tobacco Trail

date, two sections of the American Tobacco Trail have been constructed as part of development projects: one just north of NC 54 as part of the Southpoint Crossings shopping center and one just south of I-40 as part of the Streets at Southpoint development.

By 2001, the City had either allocated or encumbered most of the funds from the 1990-1999 impact fees and all of those from the 1990 and 1996 bond packages. The southern portion of the Third Fork Creek Trail has been completed and actual construction for the last phase of the ATT will be continuing into 2012.

The County has developed its trails network a bit more slowly; it’s most significant effort in the 1990’s has been a nature trail in the New Hope Creek Corridor between US 15-501 and Old Chapel Hill Rd. In 1997 the County received a \$30,000 National Recreation Trails Fund grant to assist with construction of that trail. In 2000, Durham County joined with Orange County, the Eno River Association, and the Triangle Land Conservancy to purchase land along the Little River at the Durham/Orange line. A Clean Water Conservation Fund grant, a Land and Water Conservation Fund grant, and a Parks and Recreation Trust Fund grant helped in the purchase and in the subsequent development of trails and other facilities on the site in 2001.

C. Trails and Greenways in Durham 2001-2011

The past several years have required alternative thinking in how to finance trail and greenway construction. Financial constraints have necessitated creative partnerships with various agencies such as the Clean Water Trust Fund, NCDOT, and others including neighborhood and citizen volunteer groups in order to achieve completion of the trails. In addition, there has been much discussion about the ability of developers to actually construct the trails to public standards and dedicate those to the City benefiting the overall community. Durham will

need to continue to seek alternative funding partnerships and perhaps look at a new bond referendum when the economy begins to improve.

Interim Trail Use and Natural Surfaces

This master plan has identified nearly 200 miles of trails, but after twenty years fewer than thirty miles of (paved) trails have been constructed and some are in serious need of repairs, with a regular stream of funds not currently in the budget for maintenance. Recognizing this, DOST recommends that more of the trails in the plan should be designated as natural surface trails and that some of those that remain as planned paved trails should be opened and operated as planned natural surface trails in the interim. Some natural surface trails are adequate for most bicycle traffic and could operate in the interim period using this type of surface, some good examples of Trails that could utilize of this type of surface are the Al Buehler Trail, the trails within Duke Forest and the southern portion of The American Tobacco Trail.

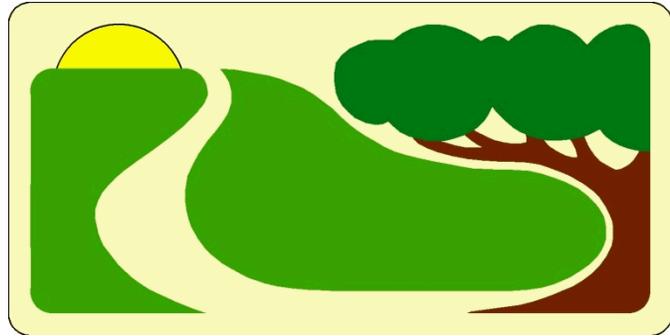
Every effort should be made to design natural surface trails that could be converted to paved trails that meet ADA's construction standards if or when the funding becomes available. These trails would better serve the citizens of Durham with more immediate off road biking and hiking trails. These types of trails could be constructed by volunteers such as the Ellerbee Creek Association and operated in a manner similar to the Mountains to Sea Trail.

While few of our trails within the Trails and Greenways system in Durham are extensively landscaped, it is the desire of the Open Space and Trails Commission that when trails are landscaped by the City, County or volunteer groups that only indigenous plants be used. The Durham Open Space and Trails Commission would like to see our parks and recreation and open space managers cooperate with other agencies to adopt plans for the eradication of invasive species along the trails and within our open space areas. Native plants and an official list of trees and shrubs etc. should be available for use by volunteers.

The Durham Open Space and Trails Commission

The City Council of Durham created a citizens advisory body—the Durham Urban Trails and Greenways Commission—on June 20, 1983, to develop plans for a city-wide trails and greenways system. The Commission was responsible for preparing the DUTAG Master Plan that was adopted by the City in 1985. Durham County, meanwhile, passed a bond referendum in 1986 which included funding for open space and recreation. The Board of County Commissioners had also appointed a citizens advisory body—the Open Space Commission—in 1989 to assist them with their programs in these areas. Among the first proposals of the Open Space Commission was the Matching Grants Program.

Realizing that there was significant overlap in the goals and interests of these two commissions, both elected bodies agreed to combine the Durham County Open Space Commission and the City of Durham Urban Trails and Greenways Commission into the



The DOST logo

Durham Open Space and Trails Commission (DOST) in late 1993 through an interlocal agreement (Appendix D). The agreement cited the need for “cooperation for open space, urban trails and greenways planning and implementation” to allow for “consistent analysis of problems and opportunities...across political boundaries.” That first agreement expired in 1998, but it was renewed for four more years in early 1999.

The powers and duties of the DOST as outlined in the agreement include advising the Council and the Board and their appropriate staff members on trails, greenways, and open space issues, assisting with the County’s Matching Grants Program, educating the public about the City’s and County’s programs, and encouraging and assisting in fund raising for open space and trail purposes. DOST is made up of 30 members, some chosen by geographic representation, some by board representation, and some to represent a specific interest or area of expertise.

DOST is staffed by a representative from the Planning Department and has an ex officio representative from the City Park and Recreation Department and the County Matching Grants Program. It has a budget for its community education that is in flux yearly dependent upon budget constraints of the County and the City of Durham.

The members of the DOST have organized themselves into several working committees to oversee the Commission’s various responsibilities. Following is a list of the committees which have existed in the 1990’s and some of the tasks they have worked on:

- a. **Community Education Committee.** Staffs a DOST booth at the Earth Day Festival in April, the Eno River Festival in July, and Centerfest in September to inform the public about open space and trails programs, provide maps, and encourage community involvement.
- b. **Matching Grants Committee.** Conducts the application process and recommends the awards for the County’s \$100,000 annual open space program.

-
- c. **Bicycle Committee.** Represents the on-road and off-road bicycling interests in transportation and land use planning. In 1998, the committee completed a requested update of Durham's portion of the *Regional Bicycle Plan* for the DCHC MPO; committee members served on a special Managers' Bicycle Task Force from July 1999 to January 2000.
 - d. **Finance Committee.** Makes recommendations to the Council and Board on both the ongoing budget and long-range spending priorities for greenways and open space bond funds and impact fees.
 - e. **Development Review Committee.** Studies and makes advisory comments on incoming development plans, zoning map change, and site plans for the Development Review Board, City Council, and Board of County Commissioners as to impacts on greenways and open space.
 - f. **Trails Committee.** Makes recommendations to the City General Services and City-County Planning Departments on trail and greenways development priorities, new trail and greenways routes, and proposals prepared by design consultants. This committee continues to seek funding sources outside of the typical realm.
 - g. **The Open Space Committee.** Makes recommendations on open space issues and studies the acquisition of open space for the City and the County

These working committees all meet separately, then report their recommendations to the full DOST for Commission vote on recommendations to the Council, the Board, and the appropriate staff. In addition to these committees, DOST also receive input from Commission members who serve as liaisons to the New Hope Advisory Committee, the Recreation Advisory Committee, and the Planning Commission.

DOST Commission members have also played an active role in greenways, trails, and open space issues. Members lobbied actively for both bond referenda in 1990 and 1996 and for passage of the Resource Protection zoning ordinances in 1999. DOST hosted the statewide NC Greenways Conference in 1991 and organized and funded a Community Forum on conservation in 1997, entitled "Common Ground for the Common Good." Both meetings brought together state and local elected officials with citizens and prominent professionals.

In late 2000, DOST supported a resolution from its Bicycle Committee that it be spun off from the original group and help to compose a new Bicycle and Pedestrian Advisory Commission. That Commission is now well established and has a number of ongoing projects.

Some DOST members have served from the merger of the two commissions into the single commission's current form. Others are new to the trails, greenways, and open space program. But all the members of DOST have been committed

through the years to working toward an outstanding trails and greenways system for Durham and toward preserving open space for environmental and recreational needs.

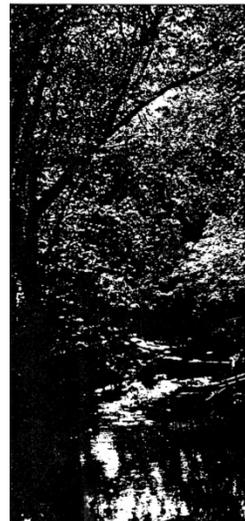
D. Other Adopted Plans Affecting Trails and Greenways

Durham 2005 adopted Comprehensive Plan and updates in 2011

This plan sets as a transportation goal the development of “urban trails and greenways and other facilities to encourage pedestrian and bicycle travel.” It recommends the adoption of a community-wide plan for trails and greenways and an annual allocation of funding for trail construction based on that plan’s priorities. The Comprehensive Plan is in the process of being updated (2011) and comments by both BPAC and DOST have been submitted.

1. Durham County Open Space Plan (1989)

The essential impetus for the creation of this plan was protection of the County’s natural resources: farmlands, rivers and streams, and natural heritage sites. However, the plan recommends that the County to recognize the DUTAG greenways and trails as part of its own open space plan to encourage linkage between the City and County natural spaces. It also recognizes that public access to protected open space lands would be appropriate in many cases; it suggests that the Board of County Commissioners consider “types of uses which are desirable including parks, walking trails and other passive activities which do not encroach on private property rights or endanger the fragile ecological balance that this Plan is designed to protect.”



**Durham
County
Open Space
Plan**

Comprehensive
Program and
Action Plan

2. New Hope Corridor Open Space Master Plan (1991-1992)

The New Hope Corridor Open Space Master Plan was a joint project of the City of Durham, Durham County, the Town of Chapel Hill, and Orange County, since the New Hope Creek Corridor as it runs from Orange County into Jordan Lake passes through all those jurisdictions. This plan encompasses large land use and environmental protection issues for the New Hope Creek and several of its larger tributaries. However, a part of

the plan also discusses potential recreational use of the to-be-protected corridor; as it says, the corridor “offers unlimited opportunity for walking [and] observing birds and other wildlife... The most active recreational use of the corridor will be trail use.”

It recommends, based on the corridor’s environmental sensitivity, a network of carefully designed and located natural surface hiking trails in the corridor, with a few “reasonably wide trails for more active use.” The plan stresses that all trail development in the corridor area must be done with an awareness of “environmental and topographical features and the critical nature of floodplains.” It follows with suggested locations for those trails for more and less active use, access points for trails, and general criteria for any recreation development in the corridor area. Paved trails in these environmentally sensitive areas are infeasible and it is therefore recommended that trails in the floodplain, natural heritage areas, County lands, etc be natural surface trails where possible to protect these areas. Ongoing field work by the Friends of New Hope and the County will help to identify the best possible locations for these trail connections and the least environmentally disturbing.

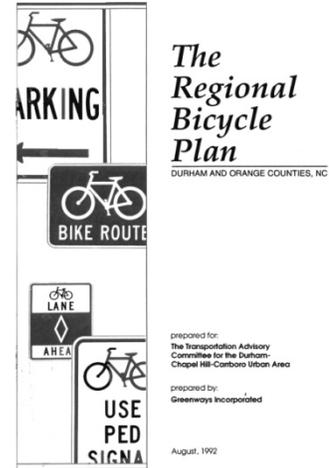
3. American Tobacco Trail Master Plan (1992)

This plan was initially prepared for the Triangle Rails-to-Trails Conservancy to determine the feasibility of the rail-to-trail conversion project of a railbanked 30-mile rail line running from Durham to the town of Bonsal in Wake County. It was later adopted into the DUTAG Master Plan. The American Tobacco Trail (ATT), as proposed in the plan, is a 23-mile multi-use trail that runs from downtown Durham next to the Durham Bulls Athletic Park to New Hill Road in western Wake County. Amendments to the DUTAG/ATT plan were adopted in 1997 to help in identifying and securing alternatives to the planned route of the ATT for sections that had been developed before the rail corridor was purchased by the NCDOT.

4. Land Use and Transportation in Durham (1992)

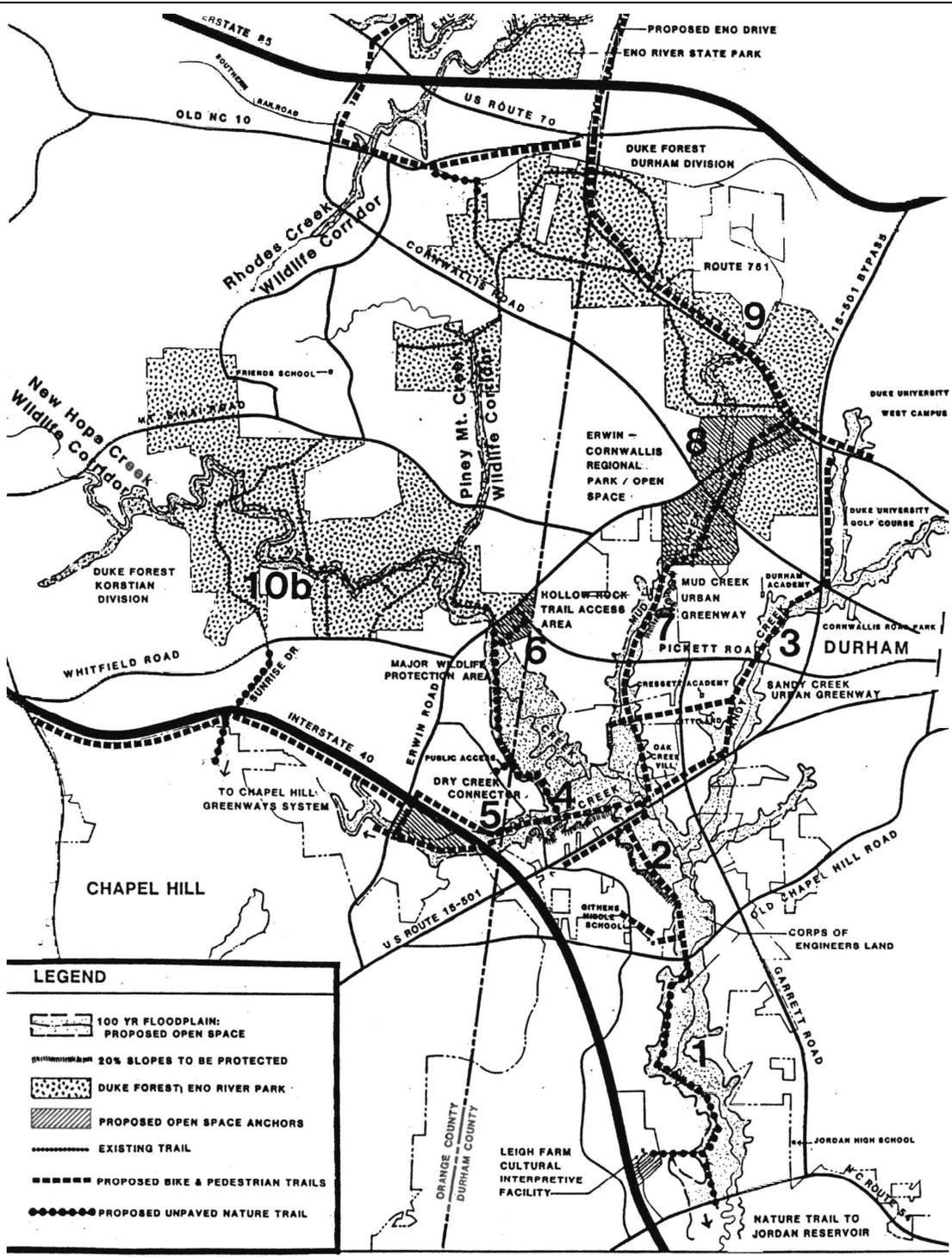
Created as a step in working toward a new comprehensive plan, this document sets a goal “to motivate people in Durham to think about our community in a new way.” It is not specifically a plan for trails and greenways, but it does strongly emphasize biking and walking as desirable transportation modes and encourages the increased construction of sidewalks and on-road bicycle facilities as well as more off-road trails, both by City efforts and by private developers Regional Bicycle Plan (1992).

This plan was prepared by Greenways, Inc. for the Transportation Advisory Committee of the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization. It states as its primary goal “to increase the number of cyclists in the region and enhance their safety.” While this plan was never formally adopted by the Durham City Council or the Board of County Commissioners, it—with the DUTAG Bicycle Routes Master Plan Map—has served to guide bicycle projects as included in transportation planning.



5. Durham County Open Space Corridor System (1993)

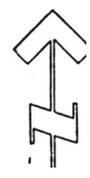
Intended as a next step from the County’s open space plan of 1989, this plan both develops the policies for a “County-wide system of open space corridors and trails focused primarily on rivers and streams” and identifies specific corridors as potential trail routes. The routes selected—the Eno, Flat, and Little Rivers and New Hope and Lick Creeks—are envisioned as natural area corridors to be protected from development and are seen as “important links between trails identified in the...DUTAG Master Plan, and major open space and recreation destination points in the County that are outside of DUTAG’s planning boundaries”. Specific plans for each of the corridors without plans, including trails as appropriate, are recommended as the next step in the process. This plan also includes the results of a survey of Durham residents taken in 1990 to learn more about their opinions on open space and recreation issues.



**NEW HOPE CORRIDOR
OPEN SPACE MASTER PLAN**

coulter associates
 LANDSCAPE ARCHITECTS • LAND PLANNERS
 111 WEST MAIN ST., P.O. BOX 912, DURHAM, NORTH CAROLINA 27702

**Map of the
10 GEOGRAPHIC COMPONENTS**



Overall New Hope Creek Corridor Master Plan, showing proposed trail routes.

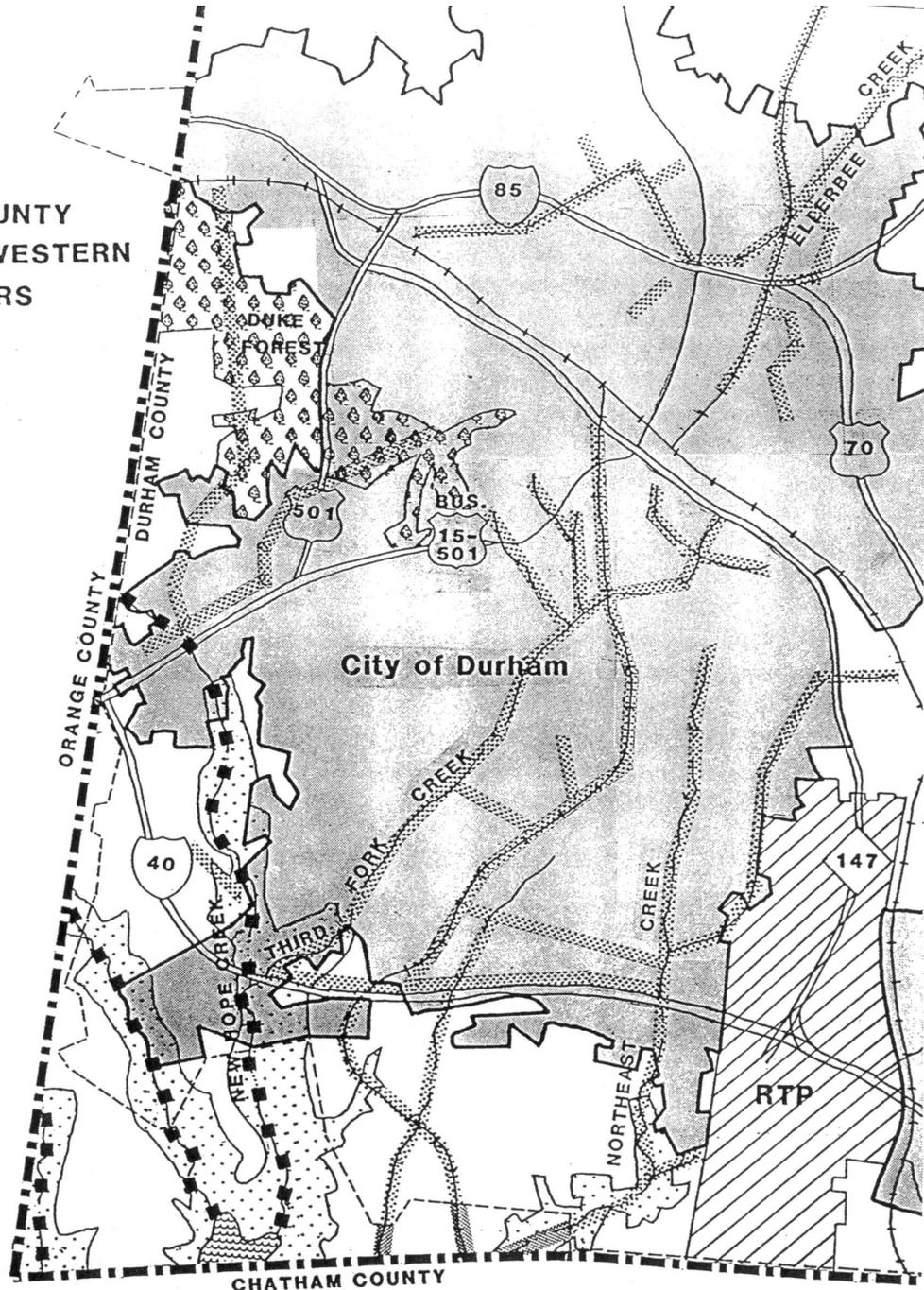
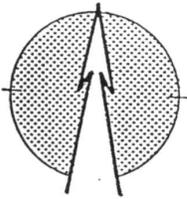
6. Parks and Recreation Master Plan (2003)

Since trails and greenways in Durham are operated as a park facility, the vision of the Parks Recreation Master Plan is crucial for development of the system.

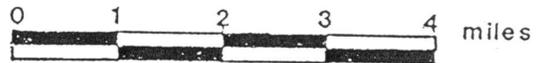
Several plans in the next few years will have an impact on the City's trails and greenways system. The process is well underway in 2011 for fleshing out the County's general open space and corridor plan with more specific area plans; the Little River area plan has been completed. With the acquisition in 2000 of the land slated for the Little River Regional Park, Durham County has become more involved in creating trails than it has historically been. Also in 2001, the Bicycle Committee (a new Bicycle and Pedestrian Advisory Commission, BPAC) began the process of drafting a Bicycle Plan for Durham that was adopted. This plan and updated the DUTAG Bicycle Routes Map and the DCHC MPO regional plan.

This history of adopted plans over the past fourteen years and the upcoming plans in the works show a strong commitment to trails and greenways in Durham by elected officials, citizen advisory boards, and planning staff, reflecting the wishes of the citizens of Durham.

**DURHAM COUNTY
SOUTHERN & WESTERN
CORRIDORS**



- ■ ■ ■ ■ NATURAL AREA CORRIDORS
- ▬ TRAIL CORRIDORS
- ▨ URBAN TRAILS AND GREENWAYS' ROUTES
- ▧ MAJOR PUBLICLY-OWNED LANDS
- ▩ CITY LIMITS
- - - URBAN GROWTH AREA



County Open Space Corridor Plan, southwest Durham County



Councilman Clement (right) and Commissioner Heron (second from right) with citizens on Bike to Work Day in 1997.

III. Appendix 3, Historical Documents

A. City Council Resolutions on Abandoned Rail Corridors

Resolution To Adopt a Policy To Monitor Railroad Abandonment And Investigate Railroad Banking Possibilities

Whereas, the Durham 2005 Comprehensive Plan adopted in October 1985 includes a policy “to investigate the long term potential for light rail transit services to connect Durham’s major activity centers, and to serve the region’s cities”; and

Whereas, railroad corridors are a valuable community resource for transportation; and

Whereas, railroad abandonment is occurring the Interstate Commerce Commission regulations allow for railroad banking in order to retain the corridor for future light rail transportation; and

Whereas, these corridors may in the future provide the opportunity for light rail transportation in Durham and the Triangle area;

Therefore, be it resolved that the City of Durham adopt the following policy:

1. The City will monitor applications to abandon railroads in the City and its ETA; and
2. The City will undertake preliminary negotiations with the abandoning railroad companies, including in the negotiation process Planning, Traffic Engineering, the City Attorney’ and City Manager’s staff; and
3. The City Manager will bring to City Council a timely report on railroads to be abandoned including options, costs, benefits, and recommendations.

Passed by the Durham City Council on April 21, 1987.

City Council Resolution
To Adopt a Policy to Incorporate Railroad Corridors into the
Trails and Greenways Master Plan

- Whereas,** the Durham Urban Trails and Greenways Commission is charged with providing “safe pedestrian and bicycle linkages between recreation sites, residential areas, employment centers, universities and other urban centers;” and
- Whereas,** railroad corridors are an existing community resource for the establishment of bicycle and pedestrian linkages; and
- Whereas,** upon abandonment, railroads may be banked for future light rail use and used in the interim for bicycle and pedestrian trails, with a possibility for joint rail-trail use in the future whenever the right-of-way is sufficient; and
- Whereas,** railroads already abandoned may still be acquired for trails through easements if the route is incorporated into the Trails and Greenways Master Plan;

Therefore, be it resolved that the City of Durham adopt the following policy:

Abandoned railroads shall be incorporated into the Durham Urban Trails and Greenways Master Plan. Easements will be acquired from developers and other owners. As other rail lines are abandoned in the future, they shall be immediately added to the Trails and Greenways Master Plan and easements or acquisition pursued. In the case of possible joint rail-trail use, rail service will be the preferred use where the right-of-way cannot accommodate both uses.

Passed by the Durham City Council on April 21, 1987.

**Resolution To Adopt a Policy for
Implementing the Protection of Abandoned Railroad Corridors**

- Whereas,** the Durham City Council adopted a resolution on April 21, 1987, incorporating existing and future abandoned railroad corridors into the Durham Urban Trails and Greenways Master Plan; and
- Whereas,** the Durham City Council adopted a resolution on April 21, 1987, directing the City Manager to bring a report to Council on any railroads to be abandoned; and
- Whereas,** both resolutions recognize the public value of railroad corridors for bicycle, pedestrian, and light rail transportation; and
- Whereas,** the usefulness of railroad corridors for transportation and for multiple uses, is greatly enhanced when the entire original corridor width and grade are preserved;

Therefore, be it resolved that it is the policy of the City of Durham to implement railroad corridor preservation in the following manner:

1. The rail bed and original light-of-way for railroad will be reserved (most frequently 100'). Exceptions for pre-existing structures, undue hardship to land owners, or other circumstances, will require City Council approval.
2. If negotiations with a land owner to reserve the railroad corridor fail to reach a satisfactory resolution, City Council will be advised and purchase of land or easement will be considered.
3. Crossing of the railroad right-of-way will be permitted for major and minor thoroughfares as indicated on the Major Thoroughfare Plan. Local and collector street crossings are not encouraged. In this manner, priority is given to bicycles and pedestrians using the rail corridor
4. The administration is directed to prepare ordinance revisions which may be necessary to implement the above policy.

Passed by the Durham City Council on March 6, 1989.

B. 1990 and 1996 Bond Referenda, Trails and Greenways Sections

**Notice of Special Bond Referendum in the
City of Durham, North Carolina**

A special bond referendum will be held in the City of Durham, North Carolina, between 6:30 A.M. and 7:30 P. M. on Tuesday, November 5, 1996, at which there will be submitted to the qualified voters of said City the following questions:

1. Shall the order adopted on September 16, 1996, authorizing not exceeding \$35,245,000 Street Bonds of the City of Durham, North Carolina, for the purpose of providing funds, with any other available funds for acquiring land and rights of way for streets and, to the extent authorized by law, constructing and reconstructing streets within and without the corporate limits of said City, including grading, paving, resurfacing and widening such streets, landscaping related thereto and constructing and reconstructing bridges, causeways, sidewalks, curbs, gutters, culverts, drains, traffic controls, signals and markers, lighting, grade crossings, water lines and sanitary sewer lines related thereto, such street to include highways and other streets that are in a part of the State highway system, and authorizing the levy of taxes in an amount sufficient to pay the principal and interest on said bonds, be approved?
2. Shall the order adopted on September 16, 1996, authorizing not exceeding \$5,500,000 Art Center and Museum Bonds of the City of Durham North Carolina, for the purpose of providing funds, with any other available funds, for renovating Historic St. Joseph's, which serves as a cultural arts center, and expanding the North Carolina Museum of Life and Science, including the acquisition of any necessary land, rights of way and equipment and authorizing the levy of taxes in an amount sufficient to pay the principal and interest on said bonds, be approved?
3. Shall the order of adopted on September 16, 1996, authorizing not exceeding 20,375,000 Park and Recreational Facility Bonds of the City of Durham, North Carolina, for the purpose of providing funds, with any other available funds, for providing and improving public parks and recreational facilities and certain community development facilities for said City within and without the corporate limits of said City, including the acquisition of land for an additional park and additional trails, greenways and other opens spaces, the development of an additional park and additional trails and other open spaces, the improvement and renovation of existing parks and recreational facilities, the replacement of park and playground equipment, the replacement of a swimming pool and the construction of a bathhouse and support facilities, the acquisition and renovation of and existing building to provide additional recreational facilities and certain community development facilities and the acquisition of any necessary rights of way and other equipment, and authorizing the levy of taxes in an amount sufficient o pay the principal of and the interest on said bonds, be approved?

-
4. Shall the order adopted on September 16, 1996, authorizing not exceeding \$5,165,000 Public Transportation Bonds of the City of Durham, North Carolina for the purpose of providing funds, with any other available funds for constructing a multi-modal transportation center to replace certain existing bus and railway facilities and acquiring any necessary land, rights of way and equipment, and authorizing the levy of taxes in an amount sufficient pay the principal of and the interest on said bonds, be approved?
 5. Shall the order adopted on September 16, 1996, authorizing not exceeding \$20,000,000 Housing Bonds of the City of Durham North Carolina, for the purpose of providing funds, with any other available funds, for providing housing for the benefit of persons of low or moderate income, including the acquisition, construction, improvement, reconstruction and repair of housing and making loans, grants, interest supplements and other programs of financial assistance available to persons of low or moderate income and to developers of housing for persons of low or moderate income, and for assisting said City in exercising any other powers to provide housing, and authorizing the levy of taxes in an amount to pay the principal of and the interest on said bonds, be approved?

Order authorizing \$3,200,000 Urban Trails and Greenway Bonds

Be it ordered by the City Council of the City of Durham:

1. That pursuant to the Local Government Bond Act, as amended, the City of Durham, North Carolina, is hereby authorized to contract a debt, in addition to any and all other debt which said City may now or hereafter have power or authority to contract, and in evidence thereof to issue Urban Trail and Greenway Bonds in an aggregate principal amount not exceeding \$3,200,000 for the purpose of providing funds, with any other available funds for providing and improving recreational facilities consisting of trails, greenways and other open spaces for said City within and without the corporate limits of said City, including the acquisition of land and rights of way, the development, construction and improvement of trails, greenways and other open spaces and the acquisition any necessary equipment.\
2. That taxes shall be levied in an amount sufficient to pay the principal of and the interest on said bonds.
3. That a sworn statement of the debt of said City has been filed with the City Clerk and is open to public inspection

C. City Council Resolution Setting Trail Priorities

**A Resolution Establishing Project Priorities
For Open Space and Greenway Funds**

- Whereas,** in November, 1990, Durham voters approved \$3.2 million in bonds to be issued for the purpose of providing open space and trails for Durham residents; and
- Whereas,** a total of \$3.5 million is available for open space and greenways including impact fee funds, general fund monies, and the 1990 and remaining 1986 bond funds; and
- Whereas,** The City Council had adopted the Durham Urban Trails and Greensways Master Plan and approved in concept, the New Hope Corridor Open Space Master Plan to provide direction for provision of greenways and open spa in Durham; and
- Whereas,** The Durham Urban Trails and Greenways Commission and the Planning Department staff have carefully evaluated possible projects to provide opens pace and trails using the approve bond funds; and
- Whereas,** Projects have been recommended with the intention of providing optimal environmental, recreational, and transportation benefits to the community and projects that are consistent with the adopted plans;

Now, Therefore, Be it Resolved by the City Council of the City of Durham, that:

The following project priorities are approved for use of the 1990 open space and greenway bond funds and other available greenway funds:

1. Complete the north-south trail, from the Eno River to NC 54, along Warren Creek, part of Ellerbee Creek and a tributary, through downtown, along tributaries of Third Fore Creek, and along Third Fork Creek.
2. Designate \$750,000 to be spent in Southwest Durham including both acquisition and trail construction within the City Limits. Volunteer citizen groups will be invited to help provide foot rails at low cost as soon as land is acquired, so that the public can begin to use and enjoy the corridor. Sandy Creek appears to have potential as the first trail project and other possibilities will be explored.
3. Construct a trail in the eastern par to of Durham in impact fee zone 2.

The highest priority is the north-south trail beginning with Third Fork Creek and tributaries connecting with the downtown area. The actual cost of the north-south trail may affect the amount of funds available for New Hope Creek, and the size of the project in eastern Durham. If development of a rail-trail becomes possible, project priorities may be reconsidered.

Be it further resolved that the City Manager is directed to implement these projects, carrying out the necessary property acquisition and trail design and construction.

Passed by the Durham City Council on March 2 1992.



Durham City/County Planning Department

101 City Hall Plaza
Durham, NC 27701
Phone: (919) 560-4137
Fax: (919) 560-4641

September 26, 1996

Memo to: Orville W. Powell, City Manager
David F. Thompson, County Manager

From: Paul Norby, Planning Director 

Re: Proposed Amendments to the Durham Urban Trails and Greenways Master Plan

On August 21, 1996 and September 18, 1996, the Durham Open Space and Trails Commission (DOST) voted to recommend some changes in the Durham Urban Trails and Greenways Master Plan (the Master Plan). The original Master Plan was adopted by the City Council on October 17, 1988 and by the Board of County Commissioners on April 10, 1989. The changes are recommended in four areas of the Master Plan: American Tobacco Trail south of I-40; Eagle Spur of the American Tobacco Trail; Riddle Road Spur of the American Tobacco Trail and Downtown Norfolk Southern Loop Spur of the North-South Trail. The reasons for these recommended changes are described below. The locations are shown on the attached maps.

American Tobacco Trail South of I-40 (Map #1)

Two items are related to this portion of the Master Plan. The first is the recommendation to shift the American Tobacco Trail, between I-40 and Massey Chapel Road, from its current location on the old railbed to the sewer line on the west side of the unnamed creek to the east of the railbed. On most of the Master Plan the locations of trails along creeks have been interpreted as flexible, with final alignment responding to opportunities for purchase or easements, topography, wet areas, etc. However, both staff and the DOST Commission felt strongly that due to the nature of the rail-trails as being built to preserve the original alignment of the railroad, the American Tobacco Trail location was more specific and could not shift off the old railbed without action to amend the Master Plan. It has also been the policy of both the City Council and the County Commissioners to protect railroad corridors for bicycle and pedestrian recreational and transportation uses. In keeping with federal rail banking legislation, this policy further serves to preserve abandoned rail lines for future rail use.

ATTACHMENT #PW-9

However, the continuity of the American Tobacco Trail alignment south of NC 54 has already been disrupted by several recent events. First, Interstate 40 was constructed across the corridor. Then a portion of the corridor was sold to the developers of both Homestead Market Shopping Center and Spring Hill, which were rezoned and developed in the 1980's, prior to the policy adoption. Based on these precedents and the above-mentioned policy, which gives City Council the ability to make exceptions due to circumstances, on February 5, 1996, the Durham City Council approved a rezoning of the property for the American Kennel Club (AKC). The new zoning for the AKC does not directly preserve the original alignment of the American Tobacco Trail as an element of the development plan.

At the time of the rezoning, the North Carolina Department of Transportation (DOT) decided not to pursue preserving the existing railbed from I-40 south to Fayetteville Road as a future alignment for resumption of rail service since acceptable alternate routes are possible. Since the beginning of this year, they have begun selling the corridor back to underlying property owners.

Since the rail corridor has been disrupted and has such a potential to impact the development of the tracts surrounding the railbed, Planning staff and the DOST has considered the relocation of the trail to a greenway along the existing sewer line at the west side of an unnamed creek east of the rail corridor. The sewer line crosses the old railbed approximately 100 feet north of the intersection with Massey Chapel Road and continues north to the southern property line of the AKC tract. Staff also walked both the proposed greenway alignment and the existing abandoned railbed and came to the following conclusions:

- The sewer line would make a good location for a trail since it has already been disturbed and is comparable to the rail line as a "prepared" location in that both can be easily walked now.
- The abandoned railbed is at least eight to ten feet above the surrounding grade as it runs through the middle of large tracts of residential land. That height would mean a substantial cost, either in lowering the bed to a grade more closely matching the surrounding land, or in building pedestrian bridges over many possible street crossings.
- A trail along the eastern side of these properties may have more potential to serve existing and future neighborhoods opening toward Fayetteville Road than one in the middle of the tracts fronting on NC 751.
- It is desirable to maintain the connection from these tracts of land to the rest of the American Tobacco Trail.

Based on these conclusions, the DOST recommends the shift of this portion of the American Tobacco Trail. The proposal is to change the alignment of the trail from the point where the sewer line crosses the abandoned railbed north to I-40, running along the eastern boundary of the tracts, including the AKC land. It is not the intent of the DOST or the staff to recommend that this amendment set a precedent for further shifts from any existing rail corridor, but to see this as a special case standing on its own merits. Staff and DOST are working with citizens groups interested in planning the connection from NC 54 south to the railroad underpass at Fayetteville Road and have several alternatives to fill what is known as "the gap". Further revisions to the Master Plan may be needed once a design for "the gap" is approved by all parties concerned, including the DOT.

Eagle Spur of the American Tobacco Trail (Map #2)

In the same area of the County, it was noted that the original alignment of the railbed that crossed NC 751 and continued southwest and is now under water in Jordan Lake is referred to as the Eagle Spur of the American Tobacco Trail. The Eagle Spur is so-named because it provides access to the northern shores of Jordan Lake, where bald eagles are frequently sighted. While this spur trail was included in the American Tobacco Trail Master Plan, it has never been added to the DUTAG Master Plan.

In order to give the DOST and staff a basis for requesting the preservation of this corridor at the time of development proposals, the DOST proposes to add the Eagle Spur to the Master Plan. It would consist of a sidewalk connection from the American Tobacco Trail along Massey Chapel Road to the west until it crosses NC 751 and the original alignment of the railroad and follows that south to the lake. This will include some property which is under control of the United States Army Corps of Engineers, and has been included in their master plan for recreational trails.

Riddle Road Spur of the American Tobacco Trail (Map #3)

As part of the State's DOT funding of the American Tobacco Trail, a portion of the former Norfolk Southern Railroad property running along the old railbed from Fayetteville Road east along Riddle Road to Briggs Avenue is being included in the leased property for the American Tobacco Trail. This railbed has been abandoned and the rails removed and portions of it are currently used by some in the vicinity for a walking path.

The proposed spur trail would have several advantages. First, it would connect the main American Tobacco Trail with neighborhoods to the east and to the bicycle lanes proposed along Briggs Avenue. Second, it would serve the neighborhoods west of Alston Avenue, such as Campus Hills and the major City park there and those

areas east of Alston, such as Collier Place and Lantern Woods. Briggs Avenue also connects to Durham Technical Community College and Expressway Commerce Center to the north. Therefore, the staff and DOST Commission believe this spur would be a valuable addition to the Master Plan.

Downtown Norfolk Southern Loop Spur of the North-South Trail (Map #4)

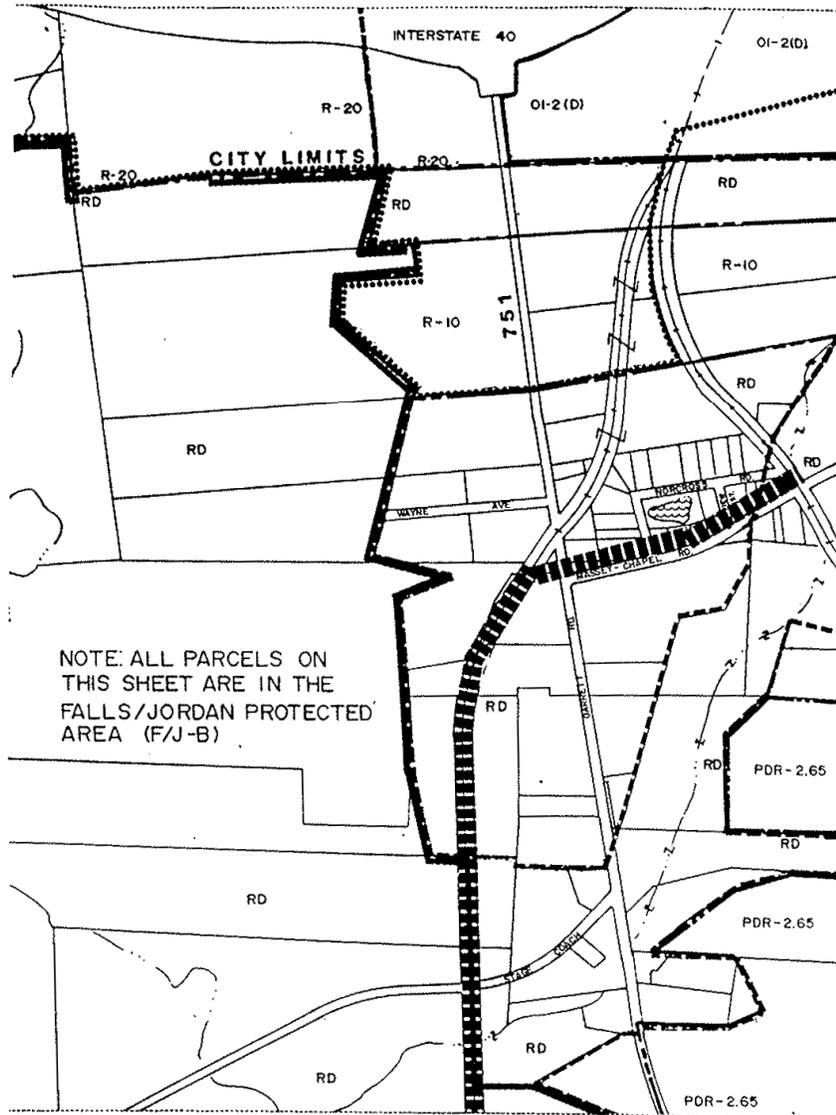
The Planning staff has been negotiating with Norfolk Southern for a possible rail-with-trail to fill a missing link in the Downtown portion of the North-South Greenway Trail. During the discussions, it was suggested by the railroad that the entire active rail line that loops from Main Street, in the vicinity of Liggett Myers, north and east to Avondale Avenue might be for sale in the near future. Developing this rail line as a trail could connect the North-South Greenway Trail with the proposed Durham Central Park project, with Old North Durham, North/East Central Durham and with several other parks and gathering places in the northern part of Downtown.

Since this rail line has not yet been abandoned, it would be a while before serious negotiations would begin on this property. However, in these early stages, it would be timely to add this rail-trail to the Master Plan, in keeping with City Council and Board of County Commission policies to protect abandoned rail corridors.

Summary

Staff recommendation is to adopt the four proposed DUTAG Master Plan amendments dealing with rail-trails. Because preservation and development of rail-trails are essential parts of policies in the DUTAG Master Plan, it is not felt that a public hearing on this matter is necessary.

cc: Teri Danner, Planning Department
Pamela Blyth, DOST Commission Chair



Proposed DUTAG Master Plan Amendment

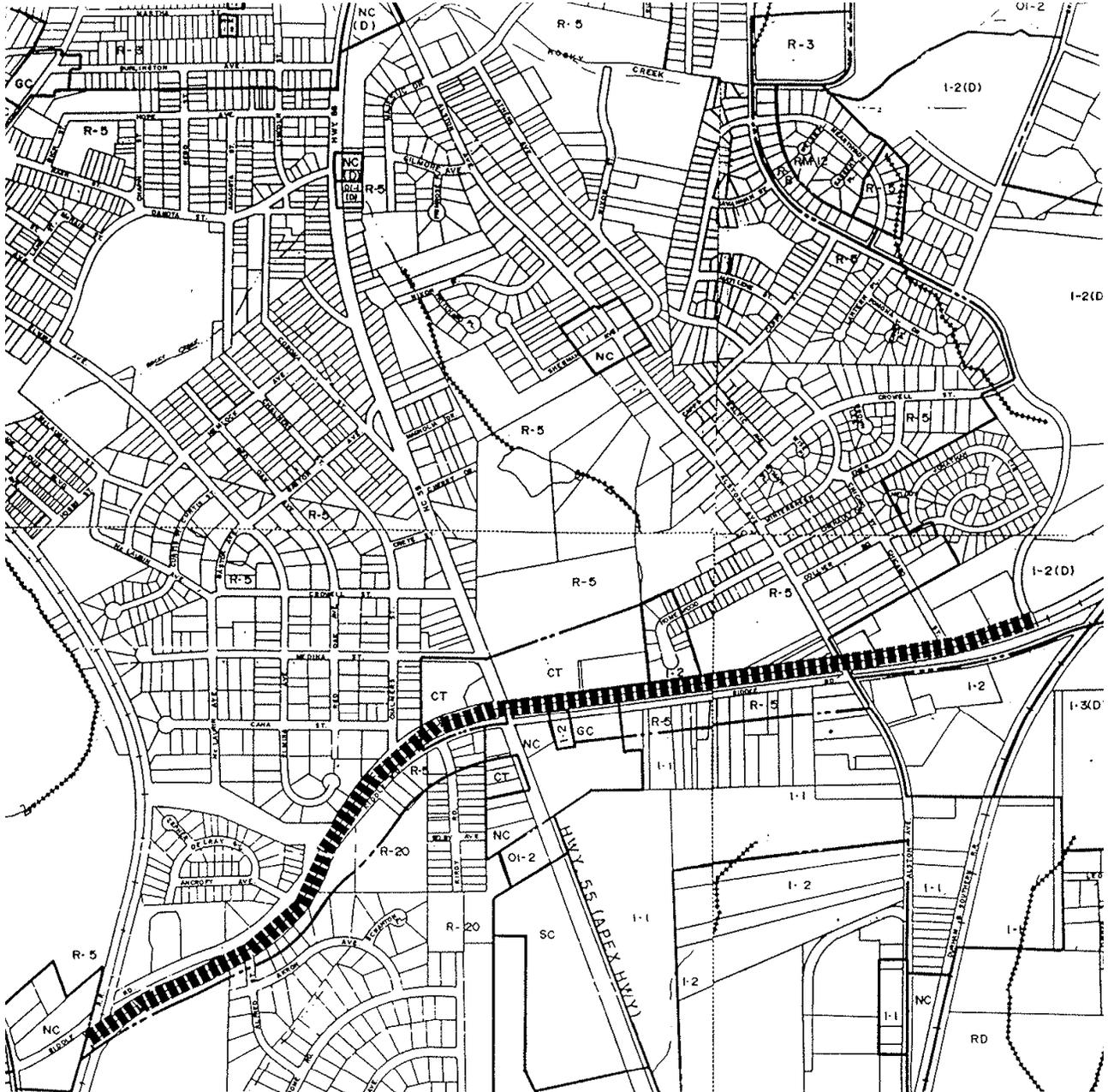
EAGLE SPUR OF THE AMERICAN TOBACCO TRAIL

1"=1000'



 PROPOSED TRAIL ALIGNMENT

MAP #2



Proposed DUTAG Master Plan Amendment

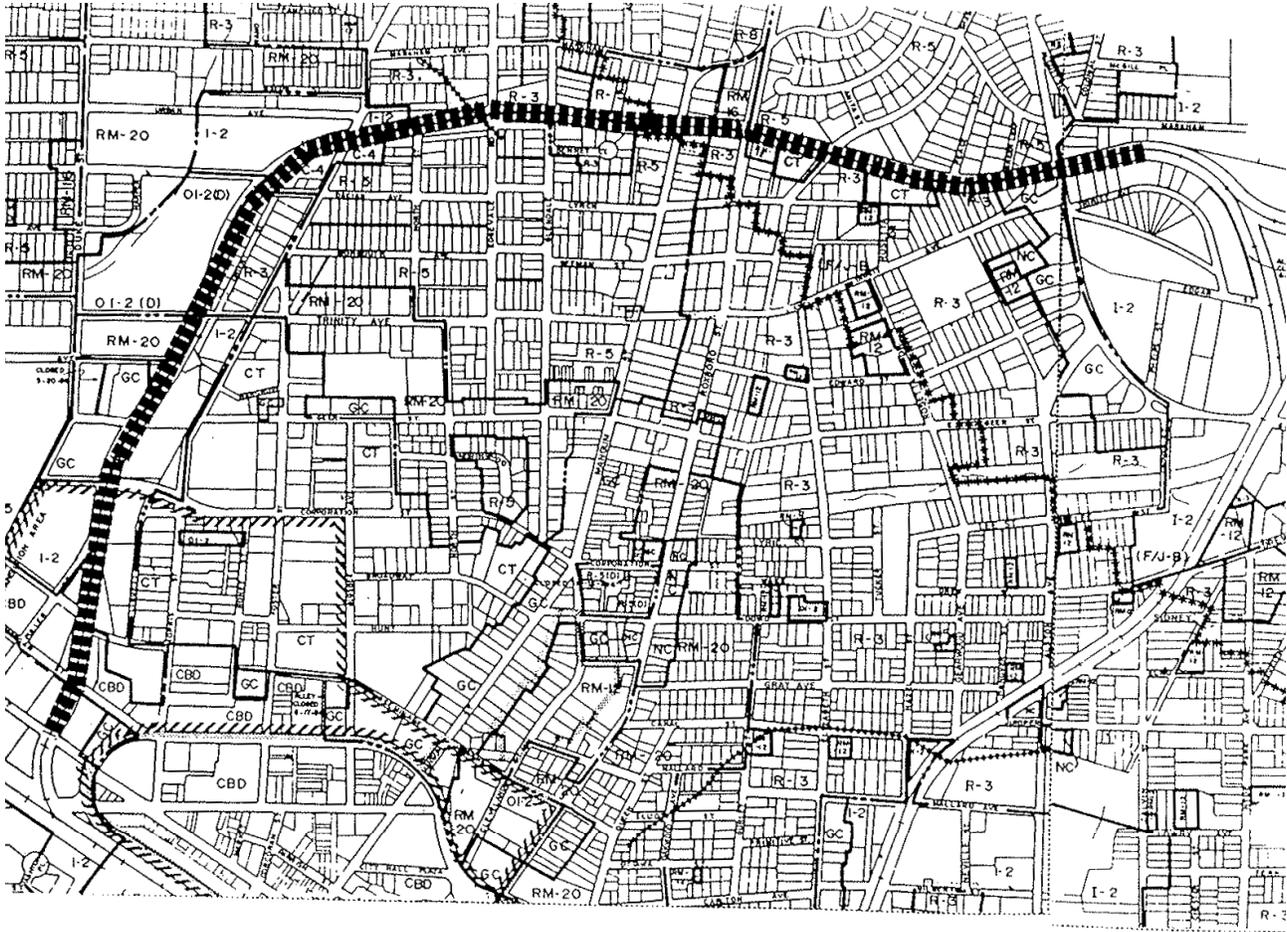
RIDDLE ROAD SPUR OF THE AMERICAN TOBACCO TRAIL

1"=1000'



**PROPOSED TRAIL
ALIGNMENT**

MAP #3



Proposed DUTAG Master Plan Amendment

DOWNTOWN NORFOLK SOUTHERN SPUR OF THE NORTH-SOUTH TRAIL

1"=1000'



PROPOSED TRAIL ALIGNMENT

MAP #4

D. Interlocal Agreement Creating the DOST

Adopted by the City Council and the County Board of Commissioners,
December and November, 1993

**City of Durham and County of Durham
Interlocal Cooperation Agreement for
Open Space and Trails Planning**

This is an Interlocal Cooperation Agreement between Durham County, a political subdivision of the State of North Carolina, and the City of Durham, a North Carolina municipal corporation. This agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes. The date this agreement was renewed, August, 2010. Durham County and the City of Durham agree as follows:

Section I. Policy.

The County and City hereby find and declare that interlocal cooperation for open space, urban trails and greenways planning and implementation allows for more orderly, efficient, and coordinated efforts. This coordination provides for consistent analysis of problems and opportunities, and consistent implementation of programs across political boundaries. Therefore, such coordinated planning provides a sounder basis for decisions which affect both governmental entities. The County and City recognize that coordinated planning and implementation are vital to the public interest. The purpose of this Agreement is to reaffirm the joint open space and trails planning process and the advisory commission to implement this goal.

Section II. Definitions.

The words defined in this section shall have the meanings indicated when used in this Interlocal Cooperation Agreement.

- A. "Board" shall mean the Board of County Commissioners of Durham County.
- B. "City" shall mean the City of Durham.
- C. "Council" shall mean the City Council of the City of Durham.
- D. "County" shall mean Durham County.
- E. "Commission" shall mean the Durham Open Space and Trails Commission.
- F. "Governing Bodies" shall mean the Board of County Commissioners of Durham County and the City Council of the City of Durham.

Section III. Authority and Purpose.

A. Authority.

Pursuant to the authority granted in N.C.G.S. 160A-146 and 153A-76, the County and City hereby reauthorize the advisory board which is named the Durham Open Space and Trails Commission.

B. Purpose and Duties.

The primary purpose of the Commission shall be to provide advice to the Council and Board on matters relating to open space preservation and trail development. In order to provide recreational and environmental benefits for the citizens of Durham County, the Commission shall promote the preservation of valuable open spaces, the preservation of natural vegetation and stream valleys within the urban and rural environment, and the development of trails and other appropriate recreational and transportation facilities for pedestrians and bicycles. The Commission shall promote the protection of the natural environment where appropriate to serve the public interest, with equal consideration for long-term care of the environment and the short-term pressures of growth. In doing so, the Commission shall foster the wise use of the County's natural resources and shall strive to involve all segments of the Durham community.

In achieving these purposes, the Commission shall have the following specific powers and duties related to open space preservation and trails development:

1. To formulate and recommend to the Governing Bodies plans, goals, objectives, policies, standards, programs and priorities.
2. To advise the Council and Board on public and private development decisions.
3. To formulate and recommend to the Governing Bodies proposals for acquisition and capital improvements.
4. To educate the citizens of Durham County about the City and County's programs.
5. To submit an annual report to the Council and Board about the activities of the Commission.
6. To encourage gifts, donations, bequests and easements and to raise funds for open space and trail purposes through the sale of items which increase public awareness about City and County programs.
7. To assist in the management of the County's Matching Grants Program.
8. To advise the City and County administrative staff.
9. To perform any other duties as the Council and/or Board may from time-to-time delegate to the Commission.
10. To adopt By-Laws for the proper conduct of business.

C. Term.

The term of this Agreement shall be from January 1, 1999 to December 31, 2003. This Agreement shall be reviewed by the Governing Bodies at least once every four (4) years. Agreement was renewed August 2010.

D. Limitation.

The Commission is an advisory board only, and shall have no authority to enforce regulations, rules, ordinances or laws.

Section IV. Structure of Appointments.

A. Composition.

The Commission shall be composed of a minimum of sixteen (16) voting members, and a maximum of thirty (30) voting members, the exact number to be determined by the Commission. All members must reside in Durham County; moving out of Durham County shall be cause for removal of the member. Moving out of the ward or township that a member represents shall be cause for removal of the member, although the member may become one of the Commission's appointments. The Commission membership shall be based upon the following:

1. Eight (8) members shall be appointed by the Board, representing:

- (1) Oak Grove/Carr Township
- (1) Mangum Township
- (1) Lebanon Township
- (1) Triangle Township
- (4) At Large (May Be City Residents)

However, in the event that after reasonable advertisement, no qualified candidates for a township appointment come forward, then the Board shall not be bound by the township representation requirement and may instead appoint an additional at-large member.

2. Eight (8) members shall be appointed by the Council from within the Durham City limits, and representative of:

- (1) Ward 1
- (1) Ward 2
- (1) Ward 3
- (1) Ward 4
- (1) Ward 5
- (1) Ward 6
- (2) At Large

However, in the event that after reasonable advertisement, no qualified candidates for a ward appointment come forward, then the Council shall not be bound by the ward representation requirement and may instead appoint an additional at-large member.

3. One (1) member shall be appointed from each of the following elected or appointed boards:

- a. The Durham Board of County Commissioners, appointed by the Chairman;
- b. The Durham City Council, appointed by the Mayor;

- c. The Durham Planning Commission, appointed by the Chairman; and
- d. The City of Durham Parks and Recreation Advisory Committee, appointed by the Chairman.

4. Up to ten (10) members may be appointed by the Commission. These members may represent a special interest or professional focus which the Commission feels would be helpful in fulfilling its duties and responsibilities.

5. Persons serving in the following positions shall serve as ex-officio members of the Commission:

- a. The Director of City Parks and Recreation Department, or his or her designee;
- b. The Director of the City-County Planning Department, or his or her designee; and
- c. The County Matching Grants Program Administrator.

The ex-officio members shall not have the power to vote on decisions by the Commission.

B. Terms.

1. Regular Terms.

The regular term of office for Commission members shall be three (3) years. Initial appointments for terms of less than three years shall not be considered regular terms. A member may be reappointed for a second term. After two consecutive regular terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of his or her second term. A term shall continue until a successor is appointed by the appropriate governing body.

2. Initial Appointments.

The terms of initial appointments shall be staggered as follows:

Council Appointments 1 and 2	One year term
Council Appointments 3, 4 and 5	Two year terms
Council Appointments 6, 7 and 8	Three year terms
Board Appointments 1 and 2	One year term
Board Appointments 3, 4 and 5	Two year terms
Board Appointments 6, 7 and 8	Three year terms
All Commission Appointments	Three years

Members who serve as representatives from other boards and commissions shall have initial terms that coincide with the terms of office on his or her respective boards. In making initial appointments to the Commission, the Board and the Council shall give special preference to the outgoing members of the County's Open Space Commission and the City's Urban Trails and Greenways Commission in order to provide continuity in open space and trail planning. In making appointments to this Commission, the Board and the Council shall make reasonable efforts to balance the representation between urban and rural interests.

Section V. Organization.

A. Officers.

Each year the Commission shall elect its own officers. The Commission shall elect a Chair, a Vice-Chair and a Secretary. The Chair shall preside over all regular and special meetings, and shall exercise such other powers as the Commission may prescribe in its By-Laws. No member may serve as Chair for more than two consecutive (2) terms. The Commission shall establish further procedures in its By-Laws regarding the election and length of terms of said officers.

B. Meetings.

The Commission shall establish a regular monthly meeting time. All meetings shall be subject to the applicable provisions of the North Carolina Open Meetings Law, NCGS Chapter 143, Article 33C. The Commission shall keep permanent minutes of its meeting. The minutes shall include the attendance of its members and its resolutions, findings, recommendations and other actions. Meetings may be held anywhere in or outside of Durham County as circumstances reasonably require. Notice of such meetings shall be given as required by law.

C. Quorum and Voting.

A quorum shall consist of a majority of the voting members of the Commission. All actions shall be decided by a majority vote of the voting members in attendance, a quorum being present.

D. Vacancies and Removal.

Upon resignation or removal of any member of the Durham Open Space and Trails Commission, the governing body or other group that appointed that member shall appoint a successor to fill the remainder of the unexpired term.

E. Committees.

The Commission may establish Committees that it deems necessary for the conduct of business of the Commission. These Committees may include additional citizens as associate members. The Chair of a Committee shall be a member of the Commission, and shall be appointed by the Chair of the Commission.

F. Attendance.

It is expected that members appointed to the Commission will regularly attend its meetings. The Commission shall establish within its By-Laws conditions which constitute an excused absence. Members may forfeit the remainder of their terms and may be replaced under the following conditions:

1. Any member who has three (3) unexcused absences of regular Commission meetings within a one-year period of time.
2. A member who has six (6) absences, excused or unexcused, of regular Commission meetings within a one-year period of time.

When the Commission finds that a member has become disqualified for membership, the Chair of the Commission shall notify the governing body that appointed the member so that a new member may be appointed for the remainder of the unexpired term.

G. Conduct of Business.

The Commission shall adopt and may from time to time amend its By-Laws for the conduct of its business. Such By-Laws shall be consistent with this Agreement and applicable County and City ordinances. The By-Laws and any amendments shall be approved by the Governing Bodies.

H. Annual Report.

The Commission shall prepare an annual report and submit it to the Board and the Council. The annual report shall include a comprehensive review of the Commission's activities, problems and actions of the Commission; plans for the up-coming year; attendance records of Commission members and any budget requests or other recommendations. The form, content and time of submission shall be determined by the City Manager and the County Manager.

I. Administration.

The Durham City-County Planning Department shall provide staff for the Commission and for open space and trail programs as specified in the Department's Annual Work Program and Budget. Staff shall be responsible for preparing notices and agendas for the Commission's meetings and keeping the records of the Commission, including records for member's attendance.

J. Ethics and Conflict of Interest.

All appointees to the Commission are subject to the Durham County Ethics Policy.

Other than to provide information, no Commission member shall take part in any discussion, consideration, determination or vote concerning a property in which the Commission member or a close relative (spouse, sibling, child or parent):

- a. Is the applicant before the Commission;
- b. Owns property within 600 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

Other than to provide information, no Commission member shall take part in any discussion, consideration, determination or vote concerning a property in which a business associate or employer of the Commission member:

- a. Is the applicant before the Commission;
- b. Owns property within 600 feet of the subject property; or
- c. Has a financial interest in the subject property or improvements to be undertaken thereon.

In situations that involve a non-profit or private organization for which a Commission member is an officer, he or she shall be required to publicly disclose that association and

shall not take part in any discussion, consideration, determination or vote concerning said situation.

Violation of this ethics and conflict of interest provision shall be cause for removal of a Commission member.

K. Removal of Members.

A member of the Commission may be removed by the body that appointed that member for any of the following reasons:

- a. Violation of the attendance provisions of Section V.F. Attendance.
- b. Violation of the ethics and conflict of interest provisions of Section V.J. Ethics and Conflict of Interest.
- c. Moving out of Durham County or out of the ward or township that a member represents.
- d. Non-payment of taxes.

In addition, a member of the Commission may be removed at any time by the appointing body.

Section VI. Amendments.

This Agreement may be amended at any time upon mutual written agreement of the City and County. The Commission may recommend to the Governing Bodies amendments to this agreement. The City Council and County Commissioners shall be the final authority in approving all amendments.

Section VII. Termination of Agreement.

Either the City or County may terminate this agreement by giving written notice of such termination to the other party at least ninety (90) days prior to the expected date of termination.

Section VIII. Entire Agreement.

This document contains the entire agreement of the parties, and there are no additional terms or conditions except those reflected herein.

IN WITNESS WHEREOF, the parties have authorized this Agreement to be executed and attested by their undersigned officers, to be effective from and after the date above.

CITY OF DURHAM

BY _____

Attest:

City Clerk

DURHAM COUNTY

BY _____

Attest:

County Clerk

E. The “Green Sheet”: Information on Trail and Greenway Dedications

Since the early 1980’s, Durham has been assembling a City-wide system of urban trails and greenways. The greenway system will extend along creeks throughout the City and will be connected where necessary by sidewalks and streets. It will offer scenic and safe routes for transportation and recreation. Shopping, recreation, and residential centers, schools, and parks will be connected by paths to accommodate bicyclists and pedestrians.

A greenway system provides many benefits to the urban community. Greenways can ameliorate the negative effects of urbanization upon water quality by allowing for infiltration of runoff, thus decreasing erosion and sedimentation. Greenways provide visual beauty and diversity within the urban landscape. Trails within the greenways provide facilities for health, fitness, and outdoor recreation for the whole community.

Because of this array of benefits for the community, the greenway system has been adopted as City policy. The Durham Urban Trails and Greenways Commission was established by the City Council in 1983. A master plan was adopted in 1988 (since amended several times) which states the goals and standards for the program and includes maps showing where greenways and trails are intended to be. The greenway system provides an opportunity for the City and land owners to cooperate in a mutually beneficial endeavor, increasing the quality of life and the attractiveness of the community to present and prospective businesses and residents.

Durham’s urban trails and greenways system is being created by various means: civic groups donate money for landscaping, property owners dedicate land and easements, and developers build trails in new development projects. In addition, the City regularly acquires easements or purchases land to construct trail segments in established neighborhoods. In new subdivisions, the greenway may be dedicated as part of the open space requirement, or reservation of greenways for future purchase by the City may be required. In other new developments, dedication of greenways may not be required, but land owners and developers are still encouraged to dedicate or reserve greenway rights-of-way.

The Durham Open Space and Trails Commission (DOST) acts as an advisory body to the City Council and the Board of County Commissioners and makes recommendations on zoning map change requests and site plans that have an impact on greenways and open space in the community. Developers and property owners interested in assisting in the development of the urban trails and greenways system should contact the Durham City-County Planning Department at 560-4137 or come to a DOST meeting on the third Wednesday of each month at 7:00 PM in the Committee Room of City Hall. The cooperation

and far-sightedness of developers and land owners will be appreciated by the citizens of Durham for generations to come.

1. Zoning Map Change Requests

Zoning map change cases are reviewed by staff to determine if the *Durham Trails and Greenways Master Plan* calls for a greenway on the land being rezoned. If the rezoning involves a development plan, the petitioner will be asked to show the greenway on the development plan. The zoning map change request will be reviewed by the Durham Open Space and Trails Commission as part of its advisory function for the City Council and the Board of County Commissioners.

2. Site Plans and Subdivisions

Site plans and subdivisions are reviewed by staff to determine if adopted open space and trail plans, such as the *Durham Trails and Greenways Master Plan*, shows a greenway on the land proposed for development. If so, a greenway dedication will be requested. On undeveloped land, the optimal greenway includes the 100-year floodplain or strip of land through the property at least 100 feet wide. The greenway can be used as part of the required open space, if open space is required for the proposed development. The greenway may be dedicated as an easement or in fee simple. Land dedicated for a greenway may also be land that is protected by some requirement of the Unified Development Ordinance.

In residential development, required dedications and impact fees for open space will provide greenways and trails as an amenity for these developments as well as the larger community. Therefore, where city greenways pass through a residential development, dedication of a strip of land 50 feet wide will be required as part of the requirements for the local subdivision. Additional land up to 100 feet in width or the 100-year floodplain may be dedicated in lieu of the open space impact fee. The value of land dedicated in excess of 50 feet will be credited against the impact fee. Where the impact fee is more than the value of the land dedicated, the balance of the impact fee will be paid by the developer.

3. Fee Simple Dedication

The following must be submitted at or before final plat approval:

1. A properly executed deed including a notarization section and, if applicable, a corporate execution section.
2. The final plats adjacent to or including the greenway must show metes and bounds for the greenway with a note stating:

“Deeded to the City of Durham in fee simple for City Greenway”

3. If a plat is not otherwise required during the development process, a plat showing metes and bounds for the greenway shall be recorded before issuance of Certificate of Occupancy. The site plan shall show the greenway and the note:

“Greenway plat to be recorded before issuance of Certificate of Occupancy”.

4. Easement Dedication

1. If a plat will be recorded during the development process, then the Preliminary Plat should show the location of the greenway with the note:

“City Greenway Easement--to be dedicated at the time of final plat approval”

The Final Plat shall show metes and bounds for the greenway with the note:

“Greenway Easement dedicated to the City of Durham according to the terms stated in Real Estate Book 1503, Pages 898-899. No building or land disturbance except according to those terms; public access granted.”

A mylar of the plat after it is recorded or three copies of the recorded plat shall be returned to the Trails and Greenways Planner in the Planning Department.

2. If a plat is not otherwise required during the development process, then a plat shall be recorded before a Certificate of Occupancy can be obtained. The greenway plat shall show metes and bounds for the greenway and the note shall read as for a greenway easement on a final plat.

The Site Plan shall show the location of the greenway and the note:

“Greenway plat to be recorded before issuance of Certificate of Occupancy”

A mylar of the plat after it is recorded or three copies of the recorded plat shall be returned to the Trails and Greenways Planner in the Planning Department.

5. For Further Information

Other information may be obtained from Beth Timson in the Durham City-County Planning Department at 560-4137 ext. 245 or at btimson@ci.durham.nc.us.

F. The “Green Sheet”: Frequently Asked Questions

1. “What rights does Real Estate Book 150, pages 898-899 give the City?”

The City may open the land to the following public uses: pedestrian traffic, the riding of vehicles powered wholly by the rider, and the riding of motorized wheelchairs. The City may prohibit anyone from constructing, planting, or building on the easement or destroying existing plant material on the easement. The City itself may, in constructing the greenway, build or plant on the easement. The City may use motor vehicles on the easement for construction, maintenance, and security purposes.

2. “When a trail is built on an easement, is the underlying landowner liable for any accidents on the trail?”

No. The first level of protection is NC General Statute 113A-95 which says that a landowner who allows a trail to be constructed without compensation owes a trail user only the same duty of care that he owes a trespasser. The second level of protection is the City’s assumption of the risk once the trail is built and maintained by the Parks & Recreation Department as one of its regular facilities, just like any City park.

3. “Are there tax incentives for donating an easement that is not required?”

Yes, there are federal and state tax incentives you may be eligible for, up to \$100,000 for an individual and up to \$250,000 for a corporation. However, these incentives are based on the effect that an easement has on the site’s land value. A small corridor might not make much difference between “before easement” and “after easement” land values; a larger piece of dedicated land might make a significant difference in a market with high land values. Only an appraisal can tell, but the value of a large dedication might be worth exploring.

4. “Can I get a copy of a model easement and of the full text of Real Estate Book 150, pages 898-899?”

Sure. Just contact the greenways planner at 560-4137 in the Planning Department.

5. “The greenway trail on my property is on a sidewalk. Do you still need an easement?”

Yes. The greenway will be built to be 10 feet wide to accommodate both bicycle and pedestrian traffic safely. The City sidewalk is not that wide, so we need the extra right-of-way to build the trail even when it “overlaps” the regular City sidewalk. The only time we wouldn’t ask for an easement is when the developer wants to build a 10 foot sidewalk himself, within the City’s transportation right-of-way.

G. A Resolution In Support of a Policy for City Council to Consider Condemnations of Property for Trail Development

A Resolution In Support of a Policy for City Council to Consider Condemnations of Property for Trail Development

- Whereas,** City Council adopted in 1988 a Trails and Greenways Master Plan that called for the development of 120 miles of trails throughout the City and surrounding areas; and
- Whereas,** trails offer a variety of benefits to Durham citizens, including recreational, transportation, and environmental; and
- Whereas,** City voters approved in 1986, 1990, and 1996 a total of approximately \$7.8 million in G.O. bond funds for use in trail development; and
- Whereas,** additional funding is also now available to help develop trails, such as impact fees and state/federal funds for pedestrian and bicycle projects; and
- Whereas,** a total of nearly \$10 million is currently available and has a goal of building 35-40 miles of trails over the next 6 years; and
- Whereas,** all of these funds have legal time deadlines requiring their use within the next few years; and
- Whereas,** the City has always had an informal policy that it would negotiate to acquire needed trail right-of-way from property owners on a voluntary purchase basis without considering condemnation, particularly since the overall program was just getting started in Durham; and
- Whereas,** the City has always looked for feasible alternative routes for trails when property owners along a proposed route were unwilling to sell or donate the needed right-of-way; and
- Whereas,** the City has occasionally, despite its best efforts, been unable to either negotiate the voluntary acquisition of a needed trail parcel or identify a feasible alternate trail route; and
- Whereas,** that not being able to consider use of condemnation of parcels to complete acquisition of a trail section can cause a waste of public funds on not being able to use other parcels in that section already acquired and delay both the expenditure of substantial available funds for the trails construction and the completion and opening of that trail section for public use; and
- Whereas,** the City may now need to for the first time consider condemnation of a property for trail acquisition if it is to meet its trail development goals and legal deadlines; and

Whereas, the City has always had the legal power to condemn property for trail development but has chosen not to use it to date; and

Whereas, other local municipalities have chosen to condemn one or more properties for trail development purposes, including Raleigh, Chapel Hill, and Cary; and

Whereas, the Durham Open Space and Trails Commission has reviewed and recommended the City's use of condemnation of property for trail development;

Now, Therefore Be It Resolved by the City Council of the City of Durham That a policy be established where the City Council would consider condemnation of property for trails acquisition under the following conditions:

1. That all reasonable efforts have been made by the City to educate and negotiate with property owners to reach a voluntary agreement to acquire needed property for trail development; and
2. That all other reasonable routes for the trail have been investigated and are not judged to be feasible alternatives for trail; and
3. That the property proposed for condemnation is the minimum amount of land necessary to be acquired to develop a standard trail; and
4. That all reasonable efforts would be made during trail design and construction to include landscaped buffers and other features that would limit impacts on adjacent properties or address other concerns of property owners affected by this action; and
5. That a significant show of support from residents and property owners living near the entire section of trail involving the proposed condemnation action be documented and reviewed at the time of City Council action; and
6. That the City would continue discussions and negotiations with the affected property owners throughout the process of consideration and final execution of the property condemnation in an ongoing effort to arrive at a voluntary acquisition agreement if at all possible.

Passed by the Durham City Council on March 3, 1997.