



Date: December 15, 2010

To: Thomas J. Bonfield, City Manager

Through: Theodore L. Voorhees, Deputy City Manager

From: Joel Reitzer, Director, General Services Department
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Subject: Exchange of Property between the City and the NC Department of Transportation at C. R. Wood Park

Executive Summary

The North Carolina Department of Transportation (NCDOT) is requesting that the City exchange .3 acres of land in C. R. Wood Park for 1.33 acres of land adjacent to the park in a different location. The smaller section is needed for the right-of-way for the proposed Alternative 3 route of the East End Connector. The land for the right-of-way is not essential to the park's function, and NCDOT is preparing the survey and assessments necessary to submit the land exchange to the National Park Service for its consideration since the park is encumbered by a Land and Water Conservation Fund (LWCF) grant.

The property to be transferred to the City is not yet owned by the NCDOT. This proposed property transfer will close once NCDOT actually takes possession of their parcel, anticipated to be in the fall of 2012.

Recommendation

The General Services Department and Parks and Recreation Department recommend that the City Council, 1) pursuant to G.S. 160A-274, which allows exchange of property between governmental units, authorize the exchange of approximately .3 acres of City-Owned property (a portion of Parcel ID # 131048) for approximately 1.33 acres of land owned by the North Carolina Department of Transportation (a portion of Parcel ID # 131023), and 2) authorize the City Manager or Mayor to convey the City-owned property by non-warranty deed.

Background

The City of Durham, in partnership with the NCDOT, proposes to construct the 3.6 mile East End Connector, a 6-lane freeway between NC 147 and US 70. The freeway connector has a long history, first appearing in Durham's transportation plans in 1959. It was identified as the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization's top transportation priority in 2000. The East End Connector will allow motorists traveling south-north from I-40 and the Research Triangle Park area to access I-85 north of Durham without traveling on local Durham

streets. The NCDOT prepared an Environmental Assessment for the East End Connector project (*East End Connector from NC 147 to US 70 north of NC 98, Durham, Durham County, Administrative Action, Environmental Assessment, FHWA, December 16, 2009*). Two public hearings have been held.

NCDOT evaluated four alternative corridors for the freeway. Environmental surveys were conducted for each alternative. These included surveys for threatened and endangered species habitat, wetlands and streams, properties and sites potentially eligible for the National Register of Historic Places, community impacts, cultural resources, air and noise impacts, and other environmental concerns. Alternative 3 was selected by the City Council as the preferred alternative because it has the least overall impact to the communities in the study area, including the fewest residential and business displacements and second-lowest impacts to wetlands and streams.

A portion of C.R. Wood Park is located within the detailed study corridor of the preferred alternative, Alternative 3, for the East End Connector. NCDOT initially believed the park itself could be avoided; however, as detailed design on the roadway progressed, using more detailed topography survey data, it became apparent that a minor land acquisition from C.R. Wood Park would be unavoidable. Minor acquisition of land is necessary to accommodate the earthen slopes that will support the portion of the freeway approaching the bridge over the North Carolina Railroad and Angier Avenue, both of which are located just south of C.R. Wood Park. The slopes are constructed at a 2:1 ratio to prevent erosion and allow vegetative growth. Appropriate drainage structures will be provided at the toe of the slope to ensure that runoff from the slope is contained within NCDOT right-of-way. The NCDOT will install a fence to prevent park patrons from entry into the freeway right-of-way. Landscaping will be installed along the fence to screen the view and further discourage entry from the park to the freeway right-of-way.

The parcel proposed for the exchange is owned by a willing seller, and NCDOT proposes to demolish the house currently existing on the site and re-vegetating the site before turning over the property to the City.

Issues/Analysis

DPR has taken the planned East End Connector into account in the development of the C.R. Wood Park. Approximately five acres of the 17.38 acre park is developed, all in the northern and western portions of the park. The southeastern side of the park was left undeveloped and wooded to serve as a visual and auditory buffer to the freeway from the active recreational areas, once the freeway is constructed. Future development plans for the C.R. Wood Park will be unaffected by the proposed property exchange, and DPR prefers a vegetated slope to a concrete retaining wall as the park's boundary. The proposed new parcel in fact has the potential to allow a better access to the park than currently exists.

C. R. Wood Park is encumbered by a past LWCF grant, thus any reduction of the property that is contained in the park parcel requires mitigation (replacement by an equivalent parcel) and approval by the National Park Service. NCDOT is offering to mitigate the .3 acre section of property the roadway right-of-way requires with a 1.33 acre parcel that is adjacent to the park a bit further west (see attached maps).

Alternatives

Alternatives to avoid using parkland were considered, including construction of retaining walls and realigning the freeway. Designs that incorporated a retaining wall were prepared and

evaluated. The retaining wall option was determined to be undesirable because it did not eliminate the need for a permanent access easement on park property to allow vehicular access to the wall for maintenance. Also, the wall would be 20 feet high at its highest point. It was concluded that given its relative isolation in C.R. Wood Park, it would be an attractive nuisance, attracting graffiti and other vandalism, in addition to being inconsistent with the natural woodland setting of the eastern side of the park.

Realigning the freeway with a shift to the east also was evaluated. However, the impacted area is located in a tangent, or straight section between two interchanges. Moving the roadway tangent shifts both interchanges, substantially altering their design and increasing their impacts, particularly to wetlands, streams, and businesses along US 70. It also would increase the number of electrical transmission towers on an adjacent utility easement that would require relocation, substantially increasing the cost of the project.

Financial Impact

There is no financial impact to the City from this proposed property exchange.

SDBE Summary

There is no SDBE impact from this proposed property exchange.

Attachment: 3 maps