



**Date:** March 3, 2015  
**To:** Thomas J. Bonfield, City Manager  
**Through:** W. Bowman Ferguson, Deputy City Manager  
**From:** Joel V. Reitzer, Director, General Services  
**Subject:** Encroachment Easement and Agreement with Diamond View I, LLC at Durham Bulls Athletic Park

### **Executive Summary**

Diamond View I, LLC (“DVI”) is the owner of a parcel of land (Parcel ID 103357) adjacent to the Durham Bulls Athletic Park (“DBAP”). DVI constructed an office building on their parcel in 1998. In order to accommodate renovation and expansion of a second floor office suite in their building, DVI requests an easement for installation of two exterior balconies overlooking the DBAP. The northernmost balcony will be 24 feet wide and project 1.78 feet over the DBAP property. The southernmost balcony will also be 24 feet wide and will project 1.61 feet over the DBAP property.

The requested easement provides for an encroachment over the property of the DBAP that will allow DVI to install, maintain, repair, replace, and use the proposed DVI balconies. DVI will be solely responsible for future maintenance, repair, and replacement of the balconies.

### **Recommendation**

Authorize the Mayor or City Manager to execute an Encroachment Easement and Agreement with Diamond View I, LLC allowing encroachment of balconies from the property of Diamond View I, LLC (Parcel ID 103357) over the City of Durham property identified as the Durham Bulls Athletic Park (Parcel ID 103356).

### **Background**

The Diamond View I office building, adjacent to the DBAP is a multi-story building containing approximately 90,000 square feet of office space and was constructed in 1998. As an enticement to lease second floor office space to a prospective tenant, the owners of DVI, which is a subsidiary of Capitol Broadcasting Company, Inc. (“Capitol”), have requested that the City provide for an encroachment over the adjacent DBAP. Capitol has represented that leasing of the office space to the proposed tenant will bring over 300 jobs to downtown Durham.

The proposed encroachment and balconies will not interfere with DBAP operations. The easement will terminate if the balconies are removed and not in place for a ten year period.

### **Issues and Analysis**

- Impact of Encroachment Easement: The easement granted by the City to DVI will allow DVI to improve its building by constructing balconies for tenant's use.
- DBAP Operations: Will not be permanently impacted by this transaction.

### **Alternatives**

City Council could decide not to approve the proposed Encroachment Easement and Agreement with DVI. Doing so will not allow DVI to construct balconies overlooking the DBAP and may jeopardize its ability to lease to their prospective tenant.

### **Financial Impact**

There is no financial impact to the City from the proposed transaction. DVI will be responsible for all costs associated with this transaction.

### **SDBE Summary**

This item does not require review by the Equal Opportunity/Equity Assurance Department.

### **Attachments**

Encroachment Easement and Agreement, Balcony Plan, Illustrative Location of Balconies, Location Map