



Date: November 17, 2015
To: Thomas J. Bonfield, City Manager
Through: W. Bowman Ferguson, Deputy City Manager
From: Steven W. Hicks, Director, General Services Department

Subject: Interlocal Cooperation Agreement between the City and the County of Durham for the Management of the Future Southview Park and Associated Conservation Areas

Executive Summary

In October 2013, City Council approved acquiring approximately 134 acres located on Southview Road from the Trust for Public Land (TPL) for protection of nutrient-sensitive tributaries and two rare aquatic species within the Falls Lake watershed (the Property). Additionally, both City Council and the Board of County Commissioners approved conveying to Durham County (County) the more environmentally sensitive portion of the Property once the City and County enter into an interlocal cooperation agreement (ILA).

TPL conveyed the Property to the City December 2013. City and County staff have subsequently negotiated terms of an ILA that outlines their respective rights and obligations related to the development, management, and use of the Property.

Once the parties have executed the proposed ILA, the City will convey to the County approximately 104 acres of the Property, which are encumbered by a conservation easement restricting most development but allowing for low impact recreational use such as walking trails (County property). The City will retain the remaining 30 acres for a future city park (City property).

The City may enter into an interlocal agreement with the County pursuant to N.C.G.S. §160A-461, which states, in part, that “[a]ny unit of local government in this State and any one or more other units of local government in this State...may enter into contracts or agreements with each other in order to execute any undertaking.”

Recommendation

The General Services Department recommends that City Council 1) adopt a resolution authorizing the City Manager to execute an Interlocal Cooperation Agreement for the Acquisition, Planning, and Operation of the Southview Property by the County of Durham and the City of Durham; and 2) authorize depositing proceeds in the amount of \$200,000.00 from the conveyance to the County into Water Management’s Future Supply/Source Protection account.

Background

Staff from the Departments of Parks and Recreation, Water Management, and General Services, as well as County staff, negotiated the purchase of the Property from TPL to protect a portion of the Falls Lake watershed. Additionally, the City of Raleigh supported the purchase by contributing \$250,000.00 from its Upper Neuse Clean Water Initiative (UNCWI), and the

State of North Carolina participated by adding \$500,000.00 from the Clean Water Management Trust Fund (CWMTF).

In addition to providing watershed protection benefits, the Property will be developed as a community park, providing recreational space for an underserved part of the Durham community. The City property will feature active recreation uses, while the County property will support uses that are more passive.

Both City and County staff acknowledge that it is mutually beneficial to work together in developing, maintaining, and using the Property, and the proposed ILA reflects the parties' cooperative intent.

Issues and Analysis

One of the incentives for the City to purchase the Property was the opportunity to partner with the County in securing protection for the Falls Lake watershed and in providing a much-needed public park and open space to an underserved part of the Durham community. The proposed ILA outlines the parties' respective rights and responsibilities related to the Property, including details of the City's sale to the County of 104 acres of the Property.

The proposed ILA specifies how the City and County can develop, maintain, and/or use its respective property. Section 6 provides, in part, that "The Property belonging to the County shall be maintained in a natural scenic condition and restricted from any development or use that would impair or interfere with the conservation purposes of the property...." Permitted uses include, but are not limited to, "open space, trails, animal/plant observation, and nature and environmental education."

Section 6 also provides, in part, that the City property "be developed and maintained as a public park; the only restrictions are those imposed by the Conservation Funding Agreement with the City of Raleigh, which limits development or use that would impair or interfere with the conservation purposes or public recreation purposes of the Property." Permissible uses of the City property include, but are not limited to, "playgrounds, picnic areas, and athletic fields and courts. "

Additionally, the proposed ILA delineates situations in which City and County staff will need to collaborate, such as when the planning process for the city park begins, and allows for shared property maintenance and management duties, if desired.

Alternatives

City Council could choose not to approve the proposed ILA. Not approving the ILA would prevent the contemplated City-County partnership, and the City would retain ownership of the entire 134 parcel, including the area encumbered by a permanent conservation easement.

Financial Impact

The City will receive compensation from the County totaling \$200,000.00, which will be deposited in Water Management's Future Supply/Source Protection account (# 4100P002 633100 P0B03).

SDBE Summary

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

Attachments

Aerial view of the Property's location

Boundary lines of the City and County parcels

Interlocal Cooperation Agreement

Resolution authorizing the City Manager to execute the Interlocal Cooperation Agreement