



Date: December 22, 2015

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

Subject: Lease Agreement with the State of North Carolina for the Mountains-to-Sea Trail

Executive Summary

On February 1, 2013, the City entered into a lease agreement with the State of North Carolina to develop a hiking trail along the Eno River, in the area adjacent to Penny's Bend. The three year lease expires January 31, 2016.

The proposed lease agreement provides for the State of North Carolina (the State), acting by and through the NC Department of Agriculture and Consumer Services, to lease a parcel of land (lying to the west of Penny's Bend) from the City of Durham, adjacent to property it currently owns. The Department of Agriculture and Consumer Services North Carolina Plant Conservation Program (PCP) uses the leased property for conservation management. In exchange for PCP's use of the City property, the Friends of the Mountains-to-Sea Trail (MST) Project were granted the right to develop a segment of the MST across State property. PCP and the Friends of the MST maintain the hiking trail. The City originally acquired property in this area for purposes of developing a hiking trail between West Point on the Eno Park and Penny's Bend; however, the PCP property has proven to be more suitable for trail development than the City's property.

The State will accept the leased property in "as is, where is and with all faults" condition. The State does not pay any rent or security deposit to the City of Durham. The City of Durham has no duty to maintain the leased property.

Based on the parties commitment for long term use of the land as a hiking trail and for conservation, Staff recommends entering into a twenty year lease, as opposed to another three year lease. The authority used to enter into this lease is 160A-274, entitled, "Sale, lease, exchange and joint use of governmental property."

Recommendation

The General Services Department, in conjunction with the Durham Planning Department and Department of Parks and Recreation, recommends that City Council authorize the City Manager to execute a twenty year lease with the State of North Carolina to use the subject property known as Parcel #'s 179766, 179767, 179768, 179770, 179792 and 179790 for conservation management and use as a hiking trail.

Background

The MST is a hiking trail stretching almost 1,000 miles across North Carolina from Clingman's Dome in the Great Smoky Mountains to Jockey's Ridge in the Outer Banks. The trail is a part of the North Carolina State Trails Program which is a section of North Carolina

Division of Parks and Recreation (NCDPR), and 1150 miles of trail have been designated as a part of the MST by NCDPR. This project has been in the planning and development stages for 30 years.

There are existing portions of the MST located within the Eno River State Park, West Point on the Eno Park, and in the area of Falls Lake. The proposed lease is for a portion of the completed Durham County section of the MST, and enables the hiking trail to connect the 60 miles of trail at Falls Lake to the trail already built along the Eno River, creating approximately 80 miles of continuous trail.

Issues/Analysis

The Friends of the MST organization are entirely responsible for construction of all improvements along the hiking trail and for all management activities, as it currently is along the rest of the trail. PCP will manage any prescribed burns and the removal of exotic plants and animal species on its property and also on that property leased from the City. All activities that impact the trail will be marked with signage for notification to the general public.

The City and its agents and contractors may enter the leased property to inspect, maintain, construct and reconstruct utility lines or other improvements related to providing utilities, or to take any actions as it may deem necessary to ensure the continued natural flow of the Eno River.

Alternatives

The City Council could decide not to approve the proposed twenty year lease with the State. This alternative is not recommended because doing so is contrary to the parties commitment for long term use of the land as a hiking trail and for conservation.

Financial Impact

There is no revenue from or to the City created by this lease.

SDBE Summary

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

Attachments: Lease Agreement, Location Map