

# BOARD OF ALDERMEN

ITEM NO. C(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: November 20, 2007

### TITLE: Granting Temporary Right-of-Way for Utilities to Facilitate Greenbridge Development

<b>DEPARTMENT: Economic and Community Development</b>	<b>PUBLIC HEARING: YES or <u>NO</u></b>
<b>ATTACHMENTS: A - Resolution B - Request from Greenbridge C - Temporary right-of-way agreement</b>	<b>FOR INFORMATION CONTACT: James R Harris, 918-7319</b>

#### PURPOSE

The attached resolution would authorize the Town Manager to execute an agreement with Duke Energy to grant a temporary utility right-of-way to Duke Energy on a parcel of land owned by the Town of Carrboro. The affected Town property abuts the northern boundary of Rosemary Street and the Carrboro/Chapel Hill municipal limits. The property is shown on the attached map (Please see Attachment 1).

#### INFORMATION

The construction of site improvements and streetscape improvements are planned for the southern side of Rosemary Street between Merritt Mill Road and Graham Street as part of the Greenbridge development. The streetscape installation and construction of the proposed multi-story building approved for the Greenbridge site would be difficult if the existing overhead utilities are not moved to the opposite side of the street. Utility poles could be installed within the existing right-of-way along the northern side of the street. However, the right-of-way for Rosemary Street does not extend far enough from the street to provide space for the installation of the poles and overhead lines. Therefore, to provide the space for utility installation, maintenance and the required safety clearances on the north side of the street, Duke Energy and the Greenbridge developers have asked the Town to grant a temporary right-of-way on the Town property for utility purposes. The temporary utility right-of-way would extend 15 feet from the centerline of the electrical facilities.

The affected Town-owned property is part of a gravel surface public parking lot. The parking lot overlays two parcels of land, one owned by the Town of Chapel Hill and the other owned by the Town of Carrboro. The parking lot is jointly controlled by both towns. There are no buildings on either lot that would be impacted if the Town of Carrboro approves dedication of the temporary utility right-of-way.

To install the facilities as planned it would also be necessary for Duke Energy to acquire a right-of-way on two other parcels of land along the north side of the street in addition to the right-of-way now requested from the Town of Carrboro. Therefore, it is also our understanding that the Town of Chapel Hill has been asked to grant a temporary right-of-way on their property and an adjacent private property owner has also been asked to grant a temporary right-of-way for the potential utility installation shown on the attached plan (Please see Attachment B). As part of the streetscape improvements for the Greenbridge project, room would be provided for the future installation of underground utilities along the Greenbridge site frontage on the South side of Rosemary Street. The project should be completed within a three year period at which time the temporary line should be relocated back to the Greenbridge property.

**RECOMMENDATION**

Town staff recommends that the Aldermen adopt the attached resolution authorizing the Town Manager to execute an agreement with Duke Energy to grant a temporary right-of-way on a parcel of Town-owned property.