



Date: September 4, 2018

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

Subject: Temporary Construction and Grading Easement, and Fence Donation between The Miracle League of the Triangle, Inc. and the City of Durham to enable the Construction of the Durham Miracle Athletic Park

Executive Summary

The Miracle League of the Triangle, Inc. (ML) is a non-profit corporation that has been contracted by American Campus LLC, to manage the construction of a 14,000 square foot baseball/athletic field at 461 Morehead Avenue. The field will be fully accessible and feature a synthetic court surface that is barrier-free allowing individuals using wheelchairs, walkers and other assistive devices to move around the field freely.

In order to construct the Durham Miracle Athletic Park (“Development”), a temporary construction and grading easement is necessary for activities on City owned property. Additionally, as a part of the Development, the City will receive the donation of a permanent fence on City property from ML.

Recommendation

The General Services Department recommends City Council:

- 1) Grant a temporary construction and grading easement (“Easement”) to The Miracle League of the Triangle, Inc. to support the construction of Durham Miracle Athletic Park;
- 2) Grant to the City Manager the authority to grant extensions of the Easement timelines as necessary to accommodate the construction schedule;
- 3) Accept the donation of a rail fence and eleven new brick columns that will be constructed on City owned property by ML.

Background

American Campus LLC, managed by Capitol Broadcasting Company, Inc. has entered into partnership with The Durham Bulls, the Durham Housing Authority, and the City of Durham, as well as, Miracle League of the Triangle, Inc. to build the new Miracle League Baseball Field on multiple parcels owned by various entities.

Durham’s Unified Development Ordinance requires that a fence be provided in the build-to zone to create a division of space between the American Tobacco Trail Trailhead (ATT) and the Development. This division provides each space with its own identity, but also connects the spaces. The fence also serves as a safety barrier so young children do not run into the adjacent streets.

Due to the site constraints and ballpark dimensions this fence is proposed to be constructed on City property by ML and then donated to the City, with City taking on the long term maintenance responsibilities. This fence will be constructed on or abutting City of Durham properties 630 Blackwell Street and 624 Blackwell Street (Parcel ID # 119421 and PIN 0821-16-974-5941, and Parcel ID #221947 and PIN 0821-16-75-5133) in exchange for various improvements as detailed in the approved Site Plan #D1700228, which meet the needs of the Development and the City.

The proposed fence shall be constructed to match the existing Durham Bulls Athletic Park streetscape design. The fence will be constructed with fourteen brick pilasters, (eleven of which will be on city property) and recycled railroad rails allowing a panel area for art to be attached at a later date. This ATT Trailhead location is identified as the southernmost area identified in the Durham SmART initiative (<https://www.smartdurham.org/>). The art installation will add to the cohesion and connectivity of the ATT into the downtown corridor.

Additionally, the City has received a request from ML for a Temporary Construction and Grading Easement on the aforementioned City parcels. The parcels of interest are home to the American Tobacco Trail Trailhead and a native plant garden. The requested TCE will facilitate construction of the Development, which will include a new Miracle League baseball field, covered stadium seating, picnic shelter, field house building and associated site improvements all in the spirit of the Durham Bulls Athletic Park and American Tobacco Campus.

In exchange for the requested temporary easement rights, ML has proposed to make certain improvements to City-owned property. ML will, for the public's benefit, construct or install the following on City-owned property in conjunction with the overall project:

1. 11 new brick columns (4' height) and 108 linear feet of new railroad rail fence to be placed along the American Tobacco Trail.
2. Concrete sidewalk improvements for the American Tobacco Trail Trailhead.
3. Replace all damage to asphalt areas or any other damage caused by the construction to the City's satisfaction.
4. New ground cover plantings to include 875 native grass plants and reseeding of disturbed lawn areas.
5. Rough grading, seed and straw to City specifications in temporary construction easement area to support Durham Parks and Recreation's planned Fitness Park adjacent to the Development.

ML has offered to provide the above mentioned improvements in exchange for the requested TCE. ML and its development team has worked closely with City Staff to meet many City improvement goals for the American Tobacco Trail Trailhead and for the future adjacent park. The improvements proposed are expected to increase both the functionality and the visual appeal of City-owned property.

Issues/Analysis

ML has an approved site plan that incorporates the elements described. The TCE requires that ML coordinate with the City during construction in order to minimize impacts to the American Tobacco Trail Trailhead. ML will be responsible for complying with all applicable building codes and other applicable municipal regulations before, during and after construction.

Alternatives

City Council has the discretion to not approve granting ML the authority to construct a fence and other improvements on City Property. This alternate would have significant impacts for the Durham Miracle Athletic Park and would impact their ability to construct the field. City Council has the discretion to not approve granting ML the temporary construction and grading easement. This alternate would delay the development and drive up the construction costs. Neither of these alternatives is recommended because approving the improvements and the TCE will serve the public purpose of improving the utility, safety, and aesthetics of the American Tobacco Trail Trailhead and the Durham Miracle Athletic Park.

Financial Impact

The ML will construct, at their cost the aforementioned fence and other improvements. ML's estimated construction costs for such are \$29,330.00. The estimated total project cost for the Durham Miracle Athletic Park is \$2,500,000.00. The City will provide the TCE in exchange for the constructed improvements on City property.

Equal Business Opportunity Summary

This item is an agreement that was not reviewed by the Department of Equal Opportunity/Equity Assurance for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

Attachments

Exhibit A Construction and Grading Easement Area

Exhibit B Site Plan

Exhibit C Site Details Fence

Exhibit D Fence Image

Exhibit E Approved Site Plans