



RESOLUTION

TO ACCEPT DEDICATION AND CONVEYANCE OF PARK LAND IN SECTIONS 4.1 & 4.5 CHATHAM PARK PLANNED DEVELOPMENT DISTRICT

WHEREAS, the Town of Pittsboro recognizes the myriad health benefits of parks, including increased physical activity; and

WHEREAS, the Town of Pittsboro recognizes myriad economic benefits of parks, including enhanced property values from proximity to parks, greenways, and open spaces; increased municipal revenues via tourism impacts; boosted business attraction and retention; greater attractiveness to knowledge workers, affluent retirees, and homebuyers; and

WHEREAS, the Town of Pittsboro recognizes the myriad social benefits of parks, including character building through youth athletics, increased social connectedness and sense of community, and increases neighborly interactions; and

WHEREAS, the Town of Pittsboro embraces social equity and believes that parks should be equally accessible and available to all people regardless of income level, ethnicity, gender, ability, or age; and

WHEREAS, the Town of Pittsboro recognizes the myriad environmental benefits of parks, including reduced effects of climate change, providing more contact with nature, improved air quality, providing stormwater benefits, encourages conservation of significant nature areas; and

WHEREAS, pursuant to the Master Plan and the Master Public Facilities Plan Additional Element ("Public Facilities Element") for Chatham Park Planned Development District ("Chatham Park"), Section 4.5 as shown on the Land Use Plan of the Master Plan is property that qualifies as park land; and

WHEREAS, CP South LLC, an affiliate of Chatham Park Investors LLC, is the owner of Section 4.5 and adjoining Section 4.1 in Chatham Park; and

WHEREAS, CP South LLC has offered to convey to the Town of Pittsboro land constituting portions of Sections 4.5 and 4.1 in Chatham Park for use as a public park ("Park Site"), subject to a survey, at the sole expense of CP South LLC and/or Chatham Park Investors LLC, to determine the boundaries of the Park Site that are mutually agreeable to CP South LLC and the Town of Pittsboro (the "Survey"); and

WHEREAS, the section of the Public Facilities Element entitled "Nature of Public Park Land to be Dedicated" describes five (5) requirements for public park land that must be satisfied, unless otherwise approved by the Town of Pittsboro Board of Commissioners; and

WHEREAS, the proposed Park Site currently meets the first four (4) requirements for public park land set out in the Nature of Public Park Land to be Dedicated in the Public Facilities Element: (1) Unity; (2) Usability; (3) Shape; and (4) Access (the Park Site adjoins the right of way of Moncure-Pittsboro Road, a public road); and

WHEREAS, the proposed Park Site currently does not meet the fifth requirement for public park land set out in the Public Facilities Element – “(5) Infrastructure”, but the Town of Pittsboro is willing to accept conveyance of the Park Site as public park land under the Master Plan and Public Facilities Element, subject to the following:

1. Subject to CP South LLC and the Town agreeing on the boundaries of the Park Site, and the size of the Park Site of at least fifty (50) acres, not later than December 20, 2022, CP South LLC shall convey the Park Site to the Town of Pittsboro by special warranty deed in customary North Carolina form, with a description based on the Survey, and subject to applicable title exceptions.
2. By no later than three (3) years after the date that wastewater from the Town of Pittsboro begins being treated at the City of Sanford’s wastewater treatment plant, CP South LLC and/or Chatham Park Investors LLC (the owner of all real property in Chatham Park at the time the Master Plan was approved by the Pittsboro Board of Commissioners) shall satisfy the following Infrastructure requirements for the Park Site: (a) sidewalk requirement, if applicable; and (b) publicly dedicated water line and publicly dedicated sanitary sewer line constructed to the Park Site.
3. CP South LLC may reserve in the deed that conveys the Park Site to the Town of Pittsboro the following:
 - a. The right for CP South LLC, Chatham Park Investors LLC, and their respective agents, contractors, and subcontractors to access the Park Site as reasonably necessary to satisfy the applicable Infrastructure requirements in the Public Facilities Element, including construction of necessary improvements, which may include a sewer pump station and sewer force main; and
 - b. An easement, in a location mutually agreeable to CP South LLC and the Town of Pittsboro, for a sewer line running from Section 4.1 in Chatham Park to a sewer pump station to be constructed on the Park Site.

NOW, THEREFORE, IT IS RESOLVED that the Town of Pittsboro accept conveyance of the Park Site, subject to the following:

1. Subject to CP South LLC and the Town of Pittsboro agreeing on the boundaries of the Park Site, and the size of the Park Site of at least fifty (50) acres, not later than December 20, 2022, CP South LLC shall convey the Park Site to the Town of Pittsboro by special warranty deed in customary North Carolina form, with a description based on the Survey, and subject to applicable title exceptions.
2. By no later than three (3) years after the date that wastewater from the Town of Pittsboro begins being treated at the City of Sanford’s wastewater treatment plant, CP South LLC and/or Chatham Park Investors LLC (the owner of all real property in Chatham Park at the time the Master Plan was approved by the Pittsboro Board of Commissioners) shall satisfy the following Infrastructure requirements for the Park Site: (a) sidewalk requirement, if applicable; and (b) publicly dedicated water line and publicly dedicated sanitary sewer line constructed to the Park Site.
3. CP South LLC may reserve in the deed that conveys the Park Site to the Town of Pittsboro the following:
 - a. The right for CP South LLC, Chatham Park Investors LLC, and their respective agents, contractors, and subcontractors to access the Park Site as reasonably necessary to satisfy the applicable Infrastructure requirements in the Public Facilities Element, including construction of

necessary improvements, which may include a sewer pump station and sewer force main; and

- b. An easement, in a location mutually agreeable to CP South LLC and the Town of Pittsboro, for a sewer line running from Section 4.1 in Chatham Park to a sewer pump station to be constructed on the Park Site.

CP South LLC and Chatham Park Investors LLC are joining in the execution of this Resolution to confirm their agreement to conveyance of the Park Site to the Town of Pittsboro and their agreement to the conditions of the Town of Pittsboro's acceptance of such conveyance that are set out in this Resolution.

(End of Page; Signatures are on the next Page)

This Resolution was adopted by the Pittsboro Board of Commissioners this 12th day of December, 2022.

Cindy S. Perry, Mayor

Attest:

Carrie Bailey, Town Clerk

Agreed to by:

CP South LLC

By: _____
Name: _____
Title: Vice President
Date: _____

Chatham Park Investors LLC

By: _____
Name: _____
Title: Vice President
Date: _____