

Meeting Date (?) 09/13/2016

Subject Matter* (?) Turkey Creek trail easement and land dedication.
This must match rolling agenda entry

Department of Origin* ECONOMIC DEVELOPMENT

Submitted By* Frank Clark

Type of Meeting* BCD Special Regular

Classification* Public Hearing Consent Statutory Regular

Ordinance* None First Read Second Read First & Only Read

Strategic Initiative* Public Safety Economic Development Service Infrastructure
 Quality of Life

Agenda Item Description* Consider authorizing the Mayor to execute all necessary documents from the City for the creation of the trail network along the Turkey Creek tributary connecting Harvey Mitchell Parkway (FM2818) to State Highway 47 on the west side of Bryan for conveyance to the non-profit Turkey Creek Conservation and Recreation Preserve (TCCRP).

Summary Statement*

The Turkey Creek Conservation and Recreation Preserve (TCCRP) is a community-led natural resource preserve and outdoor recreation project. The TCCRP is designed to preserve the Turkey Creek greenbelt corridor for wildlife habitat, plant protection, and to provide bicycle-pedestrian trail connectivity between neighborhoods, schools, and parks between Harvey Mitchell Parkway (FM2818) and State Highway 47 that follows the Turkey Creek flood plain/floodway in the heart of southwest Bryan.

The project is led by the TCCRP Subcommittee that is comprised of local citizens and various community leaders with assistance from the National Park Service. On March 25, 2014, the City Council adopted Resolution No. 3539 supporting the formation of a non-profit to hold land dedicated by the City of Bryan, to oversee fund raising, volunteers, and management/maintenance of the preserve and trail network, as well as the construction/maintenance of trails on easements and on land donated to the non-profit organization by the City of Bryan (COB) and Bryan Commerce and Development. The TCCRP organization was formalized as a domestic non-profit organization (501 (c) (3)) on November 25, 2015 by the IRS. The board members of the TCCRP are currently Ramiro Galindo, Art Hughes, and Spencer Clements. Mr. Galindo started the trail along the Turkey Creek, that is currently called the Rosewood Trail, as a developer and is personally dedicating 23 acres to the preserve as well as trail easements. Art Hughes is a former COB Councilmember and Spencer Clements is the President of the Traditions Acquisition Partnership (TAP).

COB is being asked to convey four (4) easements for the trail sections that will run through COB "parkland" with the following BCAD ID property numbers: 41535, 361204, 372915, and 99152. The location of the trail has not been precisely determined, so the easements will initially be located anywhere within (50) feet of the creek, unless otherwise agreed to by the City Manager. The easements will be for a fifteen (15) foot wide trail, measured seven and one-half (7 and ½) feet from both sides of the centerline of the trail with a thirty (30) foot wide temporary construction easement, also measured from the centerline. After construction of the trails, the centerline of the trails will be surveyed and the easement area will become fixed.

The COB also is being asked to convey by deed three (3) tracts of land primarily intended as a nature preserve. To convey the property to the non-profit, the COB and the TCCRP will enter into an agreement stating that the property will be used solely for the construction of a trail and related nature preserve. The COB will execute a deed for the three (3) tracts that will include Lots 1 and 2 of Block A, from the Westwood Estates subdivision and Lot 2R of the Westwood Estates vacating plat, which consists of 3.84 acres of flood plain from the old municipal utility district #1. Lot 2R includes a portion of the property from parcels with BCAD property ID's 47689 and 47690. Lots 1 and 2 of Block A of the Westwood Estates subdivision, identified in BCAD as 47691 and 47692, are undevelopable as the southern fork of Turkey Creek flows through these lots.

The 1.73 acres of property that is not in the floodplain/floodway, which makes up Lot 1R of the Westwood Estates vacating plat, has been retained by the COB and is to be dedicated in the vacating plat as parkland. The Parks and Recreation Advisory Board agreed to accept the dedication of the 1.73 acres at the August 16, 2016 Board meeting.

In a related transaction, Bryan Commerce and Development, Inc. (BCD) is being asked to convey easements and deeds to TCCRP in a similar manner and for the same purpose. For the land that is included within the Revised and Restated Memorandum of Economic Development Agreement (MEDA), the City will need to approve of a release of that land from the MEDA before BCD can sell the land or encumber it with an easement.

Upon completion, the COB property easements and land dedication will make up part of the four (4) mile trail. The conveyance by deed and easements to the TCCRP will be permanent as long as the non-profit organization is an IRS recognized entity and the property is used for a trail and nature preserve. A reverter clause will be included in the deed and termination language is included in the easement such that in the event that TCCRP ever ceases to exist and/or fails to fulfill its obligations, the property will revert back to the COB.

Staff Analysis & Recommendation*

This proposal to execute all documents necessary to convey easements and deeds to the TCCRP supports the intent outlined in Resolution 3539, which was adopted on March 25, 2014.

The planning and development of the TCCRP trail network will support economic development in the southwest Bryan area. Furthermore, having the nonprofit entity manage and provide maintenance of the trail network means it will not be an additional burden to the COB Parks and Recreation Department.

The conveyance of the easements and deeds will allow the TCCRP to begin soliciting State and Federal grants as well as local community contributions for the construction and maintenance of the trail network. The trails also can be started along the planned route. The trail network meets the new comprehensive plan update by adding close to four (4) miles of new trails.

Staff recommends approval of the proposal to execute all documents necessary to convey the trail easements and deed to the TCCRP, with the understanding that documents only be recorded after trail easements and a deed for approximately twenty-three (23) acres of property are conveyed to the TCCRP by R.A. Galindo per the Regency Gardens 380 Agreement that was approved by the City Council on November 12, 2013.

Options*

(In Suggested Order of Staff Preference)

1. Authorize the execution of all documents necessary to convey trail easements and deeds to the TCCRP.
2. Modify the proposed conveyance of trail easements and deeds, which may require consideration at a future City Council meeting and discussions with other TCCRP committee members.
3. Deny the proposed conveyance of trail easements and deeds and provide direction to staff.

Funding Source*

N/A

Attachments

Turkey Creek Attachment COB.pdf

5.2MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

All attachments in 1 PDF

1. Resolution 3539 adopted on March 25, 2014.
2. Map legend showing land owners along proposed trail.
3. Map showing proposed trail location with COB action required.
4. Survey showing the following: a) 3.84 acres of land to be dedicated to the TCCRP, b) 1.73 acres to be "parkland", c) Lots 1 and 2 to be dedicated to the TCCRP.

Dept. Head Signature



Kevin Russell

Deputy City Manager Signature



[Handwritten Signature]

City Manager Signature



[Handwritten Signature]

City Attorney Signature



Janis K. Hampton