



TOWN OF CHAPEL HILL
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August 14, 2010

Mr. Jack Evans
Executive Director of Carolina North
The University of North Carolina at Chapel Hill
304 South Building
CB# 4000
Chapel Hill, North Carolina 27599

Dear Mr. Evans,

The Town of Chapel Hill received the Minor Modification Request 2010-2: adjustments to location of sidewalk and bicycle improvements on a portion of Seawell School Road from the University on June 14, 2010 and deemed it complete on July 1, 2010. The Town subsequently reviewed the request and the Manager classified it as a minor modification since it did not include:

- a substantial change in the boundaries of the development agreement;
- a substantial change in floor area or number of parking spaces;
- substantial changes to pedestrian, bicycle or vehicular access or circulation beyond the boundaries of the agreement; or
- substantial changes in the amount or location of open space within the boundaries of the development agreement.

According to the minor modification request, the University began preparation for application to the Army Corps of Engineers to allow certain impacts to wetlands and streams from development at Carolina North after signing the Development Agreement. As part of that application process, the University must examine the impact of all requirements of the Agreement on existing wetlands and streams. During this examination of the requirements in the Agreement for sidewalk and bicycle improvements, the University indicated potential significant stream impacts within the area identified as Area 5 in Exhibit E of the Agreement, specifically:

- Section 5.8.17 of the Agreement requires a sidewalk on one side of Seawell School Road between Estes Drive and Homestead Road, and
- Section 5.8.18 requires bicycle facilities on both sides of Seawell School Road between Estes Drive and Homestead Road.

The University has examined an alternative for the section of Seawall School Road alongside Area 5 on Exhibit E that will avoid stream impacts while still providing sidewalk and bicycle improvements. This alternative would shift the required bicycle facility from the west side of Seawall School Road and provide a combined two-way bicycle facility and sidewalk on the east side of Seawall School Road in Area 5 on Exhibit E. This alternative would avoid approximately 600 linear feet of stream impact while still providing the sidewalk and bicycle facilities required by the Agreement.

In order to allow this shifting of bicycle and pedestrian facilities, Sec. 5.8.18 of the Agreement needs to be modified. The Town Manager has reviewed the request for Minor Modification Number 2 and determined that it should be approved based on the terms of the original Agreement and the standards set forth in Sec. 3.5.5 of the LUMO, subject to consideration of certain conditions and considerations at the time of final design of the bicycle facilities at this location.

Accordingly, attached is Minor Modification Number 2010-2, approved by the Town Manager, for execution by the University. This Minor Modification approves language (new language in italics) for Section 5.8.18.2:

5.8.18 Bicycle improvements. Bicycle facilities shall be built in existing right-of-way or on University property. Bicycle facilities shall be provided on the following streets. The locations are:

- 1) Both sides of Estes Drive from Martin Luther King Jr. Blvd. to Seawall School Road; and
- 2) Both sides of Seawall School Road between Estes Drive and Homestead Road, *except for the segment of Seawall school Road where locating bicycle facilities on both sides would cause stream impacts, this requirement shall be satisfied by locating a two-way bicycle facility/sidewalk on the east side of Seawall School Road for that segment.*

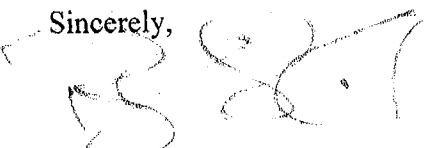
This approval is being delivered to you with the understanding that the University agrees to consider the following conditions and concerns in the process of completing the design and construction of these improvements and will so indicate in a written response to accompany a copy of the Minor Modification 2010-2 signed by the University:

1. During final design of bicycle facilities on Seawall School Road, the following comments shall be considered:
 - a) If bike lanes are proposed, continuous lanes are preferred, with a 5ft. width wherever possible.
 - b) The proposed crosswalk near the school should be in close proximity to the school drive.
 - c) Improvements meet AASHTO standards where possible,

- d) The final design should reflect a "complete streets" philosophy, specifically with providing safe, useful access to cyclists, pedestrians and vehicles using Seawell School Road.
2. The University shall inform the Town Manager of the results of the consideration of these comments and of the final design and will report in writing to the Town Manager on the evaluation of options before submission of an application for the required engineering permit.
 3. This approval of a minor modification shall not exempt the University from any other portion of the Agreement, specifically Section 4.36 of the Agreement which requires engineering construction permits for work in Town rights-of-way and such other Town approvals for development that does not involve a building as determined by the Town Manager.
 4. The University shall be solely responsible for obtaining any necessary permits required for the improvements in the Town of Carrboro's jurisdiction.

I am confident that Town and University staff will continue our collaborative efforts to resolve any issues arising from this change in plan.

Sincerely,



Roger L. Stancil
Town Manager