



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Date:** December 5, 2013

**To:** Thomas J. Bonfield, City Manager  
**Through:** Keith Chadwell, Deputy City Manager  
Steven L. Medlin, AICP, Planning Director  
**From:** Patrick O. Young, AICP, Assistant Planning Director *POY*  
**Subject:** Proposed Revocable Use Easement – Holland Alley

**Summary.** The Gentian Group LLC (GGLLC) is proposing a revocable use easement for use of a portion of Holland Street (Alley) for use as outdoor dining and a primary entrance to the proposed Hotel Durham development. If approved, this agreement will require continued public access and pedestrian improvements to Holland Alley. The terms and conditions of the proposed easement were developed by staff based on considerable public input.

**Recommendation.** Receive this report, consider and approve the attached revocable use easement.

**Background.** GGLLC is proposing to redevelop the existing vacant office building at 315 East Chapel Hill Street to construct a hotel with associated outdoor dining.

Earlier this year, GGLLC advised staff of their desire to use a portion of the existing right-of-way (ROW) of Holland Alley for the purpose of outdoor dining and site access. GGLLC originally sought a street closure of Holland Alley as the means of obtaining access to the Holland Alley ROW, but voluntarily withdrew the street closing application in November, 2013.

**Issues.** Public meetings were held on October 22 and December 4, 2013. Based on comments received from the public and the expressed interest of the applicant, the following represents a summary of key components of the proposed easement:

*Public access.* Public access to the Alley will be retained and not obstructed by the applicant; and

*Pedestrian improvements.* The applicant will install a five (5) foot wide pedestrian path; and

*Retention of historic character of alley.* A majority of the cobbles removed by the aforementioned pedestrian improvements must be reused as design elements of the hotel (and/or outdoor dining area).

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*Maintenance.* All improvements covered by the easement will be maintained by the applicant and any improvements installed by the applicant must be removed if required by the City; and

*Existing Water Line.* The existing water line is to be abandoned in place by the applicant.

*Lighting.* Existing street lights are not covered by the proposed easement and will be maintained by the City. Supplemental lighting may be provided by the applicant, subject to the lighting standards of the Durham Unified Development Ordinance (UDO). Any supplemental lighting will be maintained by the applicant.

*Existing Trees.* Existing trees within the proposed easement will be retained, and any maintenance and/or replacement of these trees must be approved by the City of Durham General Services Department. Damaged or diseased trees must be removed and replaced as approved by General Services.

The attached proposed easement was drafted by the City Attorney's Office (CAO) with substantial input from the following City Departments: Planning (City/County), Public Works, General Services, and Transportation.

**Fiscal Impact.** No known Fiscal Impacts.

**SDBE Impact.** No known SDBE impacts.

#### **Attachments**

**Attachment 1,** Draft Revocable Use Easement with GLLC

**Attachment 2,** Exhibit A to the Draft Revocable Use Easement