



Legislation Text

File #: ID 14-0780, **Version:** 1

Resolution Approving the Recombination and Subdivision Plats for the Steven B. Tanger Performing Arts Center and Conveying to the Community Foundation of Greater Greensboro or Any Non-Profit, Charitable Organization Owned By It, the Subdivided Property to be Used as the Performing Arts Center's Surface Parking Lot.

Department: Engineering and Inspections
Council District: 3

Public Hearing: N/A
Advertising Date/By: N/A

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PURPOSE:

Pass a resolution approving the recombination and subdivision plats for the Steven B. Tanger Performing Arts Center and conveying to the Community Foundation of Greater Greensboro or any non-profit, charitable organization owned by it, the subdivided property to be used as the Performing Arts Center's surface parking lot.

BACKGROUND:

On March 4, 2014, the City Council adopted a Resolution Authorizing the Mayor and City Manager to Enter into a Memorandum of Understanding ("MOU") between the Community Foundation of Greater Greensboro ("CFGG") and the City to design, finance, develop, construct, and manage the operations and programs of the proposed Steven B. Tanger Center for the Performing Arts (STPAC). As part of this MOU, the CFGG, through private donors, agreed to pay up to \$5 million of design costs for the facility and \$30 million for the construction costs and the City agreed to pay up to \$30 million for the purchase of land and the construction of the facility.

The MOU also stated the City and the CFGG, on behalf of its private donors, would have to obtain financing to cover each party's share of the costs of this project and that either party could use a portion of the STPAC as collateral for that financing. In order for the CFGG to obtain financing for its \$30 million portion of the construction costs, the City must combine all of the seven parcels of property that it purchased for the STPAC into one parcel and then subdivide the portion of the property to be used as the surface parking lot to be conveyed to the CFGG. The recombination plat and subdivision plat describing the property to be conveyed, and a document containing the metes and bounds description of the subdivided plat, are attached as Exhibits A, and B. The appraised value of this property is \$3,120,000, and a copy of the appraisal of the recombined property and the subdivided surface parking lot is attached as Exhibit C. The CFGG's commitment to contribute \$35,000,000 to the design and construction costs of the STPAC is sufficient consideration for the City to enter this transaction. The property will be conveyed on the condition that the City will regain ownership of the subdivided surface parking lot once the financing repayment obligations of the Private Donors

are satisfied, which should occur no later than December 31, 2030.

N.C.G.S. 160A-279 allows the City Council to convey this property to any public or private entity which carries out a public purpose and to which the City is authorized to appropriate funds. The City must “attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity.” CFGG is a private, non-profit, charitable organization whose mission is to strengthen the community for present and future generations by addressing emerging community issues, managing permanent endowments, and working with individuals, families, corporations, private foundations, and nonprofit organizations in achieving their charitable objectives. The City is authorized to appropriate and has appropriated funds to CFGG for these purposes. In accordance with N.C.G.S. 160A-279, the City will attach conditions to the conveyance of this property to CFGG that will require the property to be utilized for a public purpose. The City will retain leasing rights to control the use of the property.

BUDGET IMPACT:

None

RECOMMENDATION / ACTION REQUESTED:

It is requested that City Council approve the recombination and subdivision plats for the Steven B. Tanger Performing Arts Center and authorize the conveyance of the subdivided property described in Exhibit B for the appraised value to the Community Foundation of Greater Greensboro or any non-profit, charitable organization owned by it, to be used as a surface parking lot for the Steven B. Tanger Performing Arts Center.