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PETITION TO THE CHAPEL HILL TOWN COUNCIL**February 9, 2004****Presented by: Johnny Randall**

**Coordinator, Morgan Creek Valley Alliance
North Carolina Botanical Garden, CB 3375
The University of North Carolina at Chapel Hill
Chapel Hill NC 27599**

**Petition for Consideration of Placing a Conservation Easement on the Recently
Purchased 32 acres of Town of Chapel Hill Property Along Morgan Creek**

The Morgan Creek Valley Alliance Steering Committee and the Botanical Garden Foundation Inc. Conservation Committee respectfully ask that the Council consider the placement of a conservation easement on the entirety or a portion of the 32 acres of Town-owned land located along Morgan Creek.

On December 17, 2003, the Town of Chapel Hill purchased 22.65 acres of open space south of Frank Porter Graham School and north of Culbreth Road. The property is adjacent to Morgan Creek and has frontage on Culbreth Road, which complements 10 acres the Town purchased in the summer of 2003.

We propose that the Council place a conservation easement on the above tract in order to protect, in perpetuity, an important block of forested open space for its wildlife and human recreation value. This section of Morgan Creek is on the state "Impaired Waters" 303(d) list of waterways that are not supporting their designated uses due to pollutants. Morgan Creek water quality is greatly enhanced by adjacent undeveloped land. Vegetated land reduces stormwater runoff rate and protects water quality through biological filtration.

A section of the proposed Chapel Hill greenway, Morgan Creek Trail, is scheduled to be located on this tract, which has additional passive recreation potential. A conservation easement would allow, for example, trail construction, bench placement, passive recreation activities (e.g., exercise stations), picnic shelter, and interpretive kiosks. The easement would not permit large-scale development or allow, for example, the clearing of trees or understory/"brush" without the written consent of the easement holder. As landowner, the Town would retain responsibility for all site maintenance.

Current Town Council members are particularly conscientious of environmental protection. A conservation easement will protect, in perpetuity, this valuable open space as a safeguard to development regardless of changes in Council membership and philosophy.

The Botanical Garden Foundation, Inc., for example, currently holds conservation easements on 14 private lots along Morgan Creek. The North Carolina Botanical Garden staff serve as site stewards in order to ensure that the conservation terms of the easement are upheld.

The Town currently owns approximately 129 acres of open space in the Morgan Creek basin in addition to other open space in the Little Creek basin. A conservation easement on this relatively small 32-acre, but environmentally sensitive, site could serve as a model for future conservation agreements on Town properties that might warrant similar protection.