

**CHAPEL HILL-CARRBORO CITY SCHOOLS**  
Lincoln Center, Merritt Mill Road  
Chapel Hill, North Carolina 27516  
Telephone: (919) 967-8211  
FAX: 919-933-4560

**Nell G. Pedersen**  
Superintendent

July 30, 2004

Robert Patton, Adjutant  
Alvin Hackney, Commander  
American Legion Post 6  
P.O. Box 2323  
Chapel Hill, NC 27516

Dear Mr. Patton and Mr. Hackney:

Elizabeth Carter, Chair of the Chapel Hill-Carrboro City Schools, asked me to write to you in response to your letter of July 15, 2004 and your presentation to the Board on that same date. We appreciate the Legion's willingness to share its facility with the community. Clearly, many parties take advantage of this rather unique facility in the heart of Chapel Hill.

For many years, the Town of Chapel Hill has had a process in place for our school district to designate selected sites as potential school sites on its Land Use Plan. The regulation would come into play only if you submit an application for a Special Use Permit or propose to subdivide your property. As long as you continue to use your facility as you describe in your letter, the designation of this site on the Land Use Plan will have no impact on the American Legion.

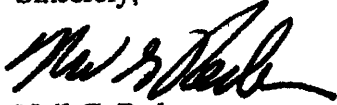
The Town's ordinance is intended to allow the school district to have the opportunity to acquire a piece of property only when development is proposed that would require a SUP or approval of a subdivision. Even if this were to occur, the inclusion of the site in the Land Use Plan does nothing to force the owner to sell the property to the school district. It simply provides the Board of Education with the opportunity to submit a proposal to purchase the property from the owner.

In your letter, you indicate that "Any future consideration to the renovation of the building, improvement of the property, or extended use by the community must be given serious consideration due to the delay time of up to 1 year to 18 months that could be necessary for the School acquisition process to be completed." I have discussed this concern with the Town of Chapel Hill's Planning Department to seek clarification of your concern. My understanding is that renovations, generally, do not require a SUP. Likewise, as long as you are using the facility for purposes consistent with the current purposes, it is unlikely that an SUP would be necessary. On the other hand, significant expansion of your facility could trigger the need for a SUP or a significantly different use might require a SUP or rezoning of the property. It is my understanding that the American Legion has never requested a SUP so it's a bit difficult to understand why this would all of a sudden become a big issue for the Legion.

In summary, by placing this site on the Land Use Plan, the Town Council would not be jeopardizing any current uses of the American Legion property. The property has remained in its current condition for years and the Legion has not had any reason to pursue a SUP nor has it indicated that it has any future plans with which the site designation would interfere. If the site became available, it would be a very attractive site for a school given its geographical location and its proximity to adjoining school and park sites. By designating this site as a potential school site on the Land Use Plan, the Board of Education would simply be provided with an opportunity to acquire the property from a willing seller. If the American Legion's concern is that the School Board might pursue condemnation of the property for a public purpose, that possibility has nothing to do with whether or not the site has been designated as a future school site. It is a completely separate issue.

The Board Chair has directed me to send you this response to help clarify the matter. The Board of Education has no plans for this item to be placed back on its agenda. Therefore, the action taken by the Board on December 18, 2003 remains in effect. If in the future the American Legion or a future owner takes actions that trigger the ordinance, I am sure that the Board of Education will give careful consideration to any arguments posed for the Board to release the property.

Sincerely,



Neil G. Pedersen  
Superintendent

Cc: CHCCS Board of Education  
Kevin Foy  
Cal Horton