MEMORANDUM

To: John Barnott, Director Building and Development Services
From: Sia Mollanazar, P.E. County Engineering, Deputy Director Engineering Services
Date: June 03, 2019
Subject: Cross Access Easement- Lorraine Corners NW (Dunkin Doughnuts) and Cohens (AC-DC)

As you are aware, the County is working with adjacent owners and developers to facilitate the permitting, construction and funding of the Lorraine Road improvements north of S.R. 70 ("Road Improvements"). To that end, the County is charged with obtaining rights-of-way and related easements for such Road Improvements.

A project known as Lorraine Corners Northwest (per Plat Book 45, Page 53), a commercial/retail development, is located in the northwest corner of Lorraine and S.R. 70 ("LCNW"). Right-of-way needed for the Road Improvements was dedicated on that plat. The County is in negotiation with the property owner immediately to the north of LCNW (AC-DC 2, LLC, sometimes referred to as the Cohens) to obtain necessary right-of-way for the Road Improvements. In addition, we have included a requirement in the proposed contract with the Cohens for a driveway in the southeast corner of their site, which would provide cross access among Lorraine Road, the Cohen site and LCNW. (Please see the rough sketch attached, with the "driveway" cross access area in green.) This cross access easement is necessary to address operation and safety issues associated with the improved Lorraine/S.R. 70 intersection and is required now for the implementation of such Roadway Improvements project.

I understand that in order to build improvements in this easement area, certain (or all, yet to be determined) 5 protected oak trees located on the LCNW site will need to be removed. The owner of Lots 2 and 3 (on the Lorraine Road side of LCNW) has advised that it is agreeable to the cross access easement, but that there is a stipulation in the 2003 Zoning Ordinance (PDC-03-16(2)(b)) for LCNW and a similar requirement in the FSP to preserve, via landscape and tree preservation easement, such oak trees.

To that end, the owner of Lots 2 and 3 is amenable to working with the Cohens on a cross access easement for such driveway. Our plan is to attach such easement agreement to the contract with the Cohens as a component of the purchase of the needed right-of-way. Such easement will necessarily need to reflect that driveway construction will be
contingent upon modification of the ZO to eliminate the tree protection stipulations or the driveway connection cannot be constructed.

Please consider this a request for the County to initiate the process for the modification of the applicable Zoning Ordinance.

SM/jh

cc:  Chad Butzow, P.E.- Interim Public Works Director