

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: OCTOBER 24, 2016 AGENDA ITEM NUMBER: 6

SUBJECT: RESOLUTION AUTHORIZING REVISIONS TO A REIMBURSEMENT AGREEMENT AUTHORIZED BETWEEN FORSYTH COUNTY AND WEXFORD WINSTON-SALEM BAILEY, LLC TO FUND CONSTRUCTION OF, AND PURCHASE OF EASEMENT TO, MUNICIPAL INFRASTRUCTURE IMPROVEMENTS AT BAILEY POWER PLANT IN WAKE FOREST INNOVATION QUARTER (FORSYTH COUNTY HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT)

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS: Recommend Approval

SUMMARY OF INFORMATION:

See attached

ATTACHMENTS: YES NO

SIGNATURE: *J. Dudley Atter, Jr.* DATE: October 19, 2016
COUNTY MANAGER

**RESOLUTION AUTHORIZING REVISIONS TO A REIMBURSEMENT
AGREEMENT AUTHORIZED BETWEEN FORSYTH COUNTY AND
WEXFORD WINSTON-SALEM BAILEY, LLC TO FUND CONSTRUCTION OF,
AND PURCHASE OF EASEMENT TO, MUNICIPAL INFRASTRUCTURE
IMPROVEMENTS AT BAILEY POWER PLANT IN
WAKE FOREST INNOVATION QUARTER
(FORSYTH COUNTY HOUSING AND COMMUNITY
DEVELOPMENT DEPARTMENT)**

WHEREAS, on December 21, 2015, the Forsyth County Board of Commissioners adopted a Resolution Authorizing Execution Of A Reimbursement Agreement With Wexford Winston-Salem Bailey, LLC To Fund The Construction, Maintenance Of, And Easement To Municipal Infrastructure Improvements At Bailey Power Plant In Wake Forest Innovation Quarter; and

WHEREAS, Wexford Winston-Salem Bailey, LLC (“Wexford”) is a private developer which plans to renovate the Bailey Power Plant located in the Wake Forest Innovation Quarter to market the site for future commercial development within the Wake Forest Innovation Quarter; and

WHEREAS, as part of the renovation project, Wexford has obtained specific quotes for construction of updates to Bailey Power Plant’s municipal infrastructure, and based on these quotes, Wexford now requests that Forsyth County authorize revisions to the authorized Reimbursement Agreement with Wexford, pursuant to the provisions of N.C.G.S. 153A-451; and

WHEREAS, the cost of the proposed municipal infrastructure improvements by Wexford are now expected to exceed the original projections, therefore, Wexford now requests revisions to the authorized Reimbursement Agreement to increase funding for the proposed County reimbursement for construction of municipal infrastructure from \$2 million to \$2.75 million, to eliminate funding for the proposed reimbursement for maintenance of municipal infrastructure in the proposed amount of \$750,000, and to retain funding for the proposed \$250,000 for the purchase of a permanent access easement by the County, which revisions will not change the total amount of \$3 million which the County will be expected to reimburse Wexford under the original authorized Reimbursement Agreement; and

WHEREAS, Wexford will continue to be authorized to purchase the Public Access Easement back from the County at the original purchase price (\$250,000) after a 25 year period; and

WHEREAS, under the requested revisions to the authorized Reimbursement Agreement between Forsyth County and Wexford, Wexford will comply with the bidding laws as required by N.C.G.S. 153A-451 and will be responsible for maintaining the municipal infrastructure improvements and will sell a Public Access Easement to the County for permanent public access to municipal infrastructure improvements to be constructed on the site as described herein; and

WHEREAS, County funding for the proposed revised Reimbursement Agreement would still come from the County's Reserved General Fund, Fund Balance in an amount up to \$3,000,000 for the combined cost of the construction of, and purchase of easement to, the municipal infrastructure improvements as described herein; and

WHEREAS, the Forsyth County Board of Commissioners has analyzed the request and determined that the proposed revised Reimbursement Agreement complies with the provisions of the County's Ordinance Establishing Procedures, Criteria, and Terms Under Which Reimbursement Agreements May Be Authorized Pursuant to the Provisions of N.C.G.S. 153A-451;

NOW, THEREFORE, BE IT RESOLVED that the Forsyth County Board of Commissioners hereby authorizes revisions to a Reimbursement Agreement authorized between Forsyth County and Wexford Winston-Salem Bailey, LLC to fund construction of, and purchase of an easement to, municipal infrastructure improvements at Bailey Power Plant in the Wake Forest Innovation Quarter.

BE IT FURTHER RESOLVED that the Forsyth County Board of Commissioners hereby authorizes the Chairman or County Manager and Clerk to the Board to execute, on behalf of Forsyth County, a revised Reimbursement Agreement with Wexford Winston-Salem Bailey, LLC to increase funding for proposed County reimbursement for construction of municipal infrastructure improvements at the Bailey Power Plant to an amount up to \$2,750,000, to eliminate funding for the proposed reimbursement for maintenance of public infrastructure in an amount up to \$750,000, and to retain funding for the acquisition of a permanent Public Access Easement over the municipal infrastructure improvements to be constructed on the site in an amount up to \$250,000, all in an amount up to \$3,000,000 in a manner consistent with the provisions set forth herein, subject to a pre-audit certificate thereon by the County Chief Financial Officer, where applicable, and approval as to form and legality by the County Attorney.

BE IT FURTHER RESOLVED, pursuant to the provisions of N.C.G.S. 153A-451, that Wexford as a party to the proposed revised Reimbursement Agreement, and its designees, shall comply with the provisions of Article 8 of Chapter 143 of the North Carolina General Statutes when awarding contracts for construction of municipal infrastructure improvements that are subject to competitive bidding under North Carolina law.

BE IT FURTHER RESOLVED that the County Manager and Chief Financial Officer are hereby directed to reserve \$3,000,000 of General Fund, Fund Balance for the requested revised Reimbursement Agreement authorized herein.

Adopted this 24th day of October 2016.