

**Stewart Creek Stream Restoration Update  
September 15, 2015**

**Progress Update for the month of August 2015**

<b>Table 1. Stewart Creek Stream Restoration-Easements Acquired as of September 1, 2015</b>				
	<b>Private Homeowners</b>	<b>Businesses</b>	<b>Utilities</b>	<b>Total</b>
<b>Signed Easements</b>	<b>9</b>	<b>2</b>	<b>0</b>	<b>11</b>

**Easements:** Three (3) easements were secured during the month of August. THC and the County continued to attempt to locate owners by phone and in person. Staff gathered cost estimates related to tax delinquent parcel acquisition. During the month of September, the County will continue to discuss the process of acquiring tax delinquent parcels with the County Attorney and will organize a Stewart Creek resident meeting for the Fall/Winter 2015.

**Meetings:** Tim Trautman (Program Manager, Engineering and Mitigation) met with the Historic West Neighborhood Association (HWENA) on August 8, 2015 to discuss the upcoming RetroFIT project, and in addition, give a short progress report on the Stewart Creek Project.

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**Project Background**

The proposed Stewart Creek Stream Restoration Project from I-85 to Tuckaseegee Road is in the **easement acquisition** phase. The intent of the project is to improve water quality. The project **will not** reduce flooding, floodplains are meant to flood.

**Easement Acquisition Consultant:** The contract with the easement acquisition consultant was finalized on May 6, 2015 and the kick-off meeting was held on May 12, 2015. The consultant is assisting County staff with the easement acquisition process for historically difficult easements (i.e. utilities, properties with ownership issues, etc.)

**Easements:** Eighty-five storm water easements were mailed to property owners on March 31, 2015. An FAQ sheet and a letter which discussed the purpose of the easements in relation to the proposed Stewart Creek Restoration Project were included with the letter. The letter and FAQ sheet discussed the definition of an easement, how the property owner will be affected if they

grant the easement and what types of structures (fences, sheds, etc.) are permitted within a storm water easement.

Stewart Creek is one of the first projects that the County will be constructing where a majority of the easements required are from private land owners. The process of acquiring easements from private land owners can be a lengthy process and normally entails contacting and meeting with homeowners to explain the project and secure the easement. We have encountered unique issues on a large portion of the Stewart Creek easements which include: deceased owners, abandoned and tax delinquent parcels, out of state property owners, properties without parcel numbers or a deed and multiple heirs. Securing an easement requires finding living heirs and verifying that the property has been conveyed to them legally, giving them the authority to sign a legal document. Even when heirs can be located, the task of finding all the heirs, and having them all sign the documents is time consuming. For example, there is a parcel that has 7 heirs due to the property owner dying without a will, and the property passing to the children, grandchildren, and their spouses.

The majority of stream restoration projects contain “critical easements” which are easements that are necessary to acquire for the project to be successful. On Stewart Creek, the critical parcels are businesses that we have had difficulty locating, or have been non-responsive. We are continuing our efforts to locate the property owners and secure the easements.

There are also numerous properties that are tax delinquent with deceased owners and no locatable heirs. Storm Water Services is currently in discussions with the County Attorney regarding these properties.

Tables 2 below shows the types of properties, and the numbers of each along Stewart Creek where easements are necessary.

<b>Table 2. Stewart Creek Stream Restoration-Easement Acquisition in Progress</b>					
	<b>Private Homeowners</b>	<b>Businesses</b>	<b>Utilities</b>	<b>Total Private Property Owners</b>	<b>Total Business, Utilities and Cannot Locate</b>
<b>Living/Can locate property/business owner or heir</b>	<b>11</b>	<b>9</b>	<b>8</b>	<b>11</b>	<b>17</b>
<b>Deceased/Cannot Locate</b>	<b>14</b>	<b>3</b>			<b>17</b>



<b>property/business owner or heir</b>					
<b>Business dissolved</b>		<b>2*</b> (one of these parcels is tax delinquent also)			<b>2</b>
<b>Tax Delinquent/Cannot Locate</b>	<b>16</b>	<b>4</b>			<b>20</b>
<b>Tax Delinquent/Can Locate</b>	<b>1</b>			<b>1</b>	
<b>Other (have not contacted, possible buyouts, declined to sign easement, etc.)</b>	<b>7</b>	<b>2</b>		<b>7</b>	<b>2</b>
<b>Totals</b>				<b>19</b>	<b>58</b>
<b>Grand Total</b>				<b>77</b>	

\*Some of the businesses have dissolved, complicating matters even further. We cannot obtain an easement from a dissolved entity.

\* **Red** numbers denote property owners that cannot be found, businesses and utilities

We are reaching out to the presidents of the Neighborhood Associations to assist with locating homeowners. We have begun door-to-door visits in order to talk to homeowners and possibly obtain contact information for owners we cannot locate. The easement acquisition process for the Stewart Creek Project will require significantly more time and effort than an average stream restoration. The project's viability will be assessed in December 2015 based on the number of easements returned to the County.

**Stream monitoring:** A pre-construction sampling plan is in development. Detailed, pre-construction monitoring is critical to measuring the impact of the project. After the project is complete, post construction monitoring is performed and detailed "before and after" analyses are performed as the project matures and becomes a "living system".

**Website:** The webpage for the project has been created and can be found at <http://charmeck.org/stormwater/Projects/Pages/Stewart-Creek.aspx>. The page will be updated as the project progresses.

**Next Steps\*:**

April 2015-January 2017 (will be ongoing until all easements are acquired)–Phone calls, neighborhood council presentations and home visits will be scheduled as necessary to secure easements. All utilities that need to grant easements have been contacted and the easement request process is ongoing.

December 2015 – Assess the number and location of easements received to date to determine if the project is feasible; and, if so, set the final beginning and ending points of the project.

December 2015 – If the project is determined to be feasible, Storm Water Services will hire a consultant to develop a conceptual design. A community meeting will be held to present the design and collect feedback.

**\*All dates are contingent upon the number and location of easements received**