

Development Agreement Language		Are these benefits being realized?	Comments / Examples
3.34	The purpose of this Agreement is to facilitate the implementation of the early phase of the Carolina North Project, thereby realizing the public benefits to the Town and the University described in this Agreement. The development of Carolina North requires a major investment by the University in public facilities, substantial front-end investment in on-site and off-site improvements, participation in other programs for public benefit and purposes and substantial commitments of the resources to achieve the benefits of the Project for the University and the Town. The University will be unable to make and realize the benefits from such commitments without the assurances of a realized Project as provided by this Agreement.		
3.35	General Benefits to be received by the Town		
	<ul style="list-style-type: none"> Implementation of the CN Plan and furthering the goals of securing an appropriate mix of uses and densities on the site. 	Anticipated	Plans are in process for the first building and initial site infrastructure. Town and University staff meet regularly.
	<ul style="list-style-type: none"> Protection of natural resources within the CN Tract beyond the development area included within the Agreement, minimization of adverse off-site impacts, and incorporation of sustainability principles in the design and implementation of the Project. 	Yes	Minor Modification (2010-2) approved the alternative to construct a multiuse facility/sidewalk on Seawell School Road to avoid significant adverse stream impacts that would have resulted from the road improvements called for the Development Agreement. Minor Modification (2012-1) approved the consolidation of the Conservation Area acreage from 6 parcels to 3 to improve the ecological value of the conservation areas. Biohabitats study documented attributes of Conservation Areas as defined by the Development Agreement. Wetlands protection: The Army Corps of Engineers has approved the University's application for an Individual Permit for unavoidable impacts to wetlands and streams from the Carolina North development. This is the result of an extensive planning effort by the University to minimize impacts to wetlands and streams for the 50 year development. Tree protection: prior to clearing for the electric ductbank corridor, trees were identified to be preserved when possible and other plants were rescued by the NC Botanical Garden staff.
	<ul style="list-style-type: none"> Provision of an efficient, effective, and practical overall plan for addressing the transportation needs of the Project, including commitments to transit, bikeways, greenways, sidewalks, and road improvements. 	Yes	Accomplishments include the Campus 2 Campus connector workshops and route recommendation; plans to develop the first greenway along ductbank corridor; initial studies for transportation improvements associated with the first 800,000 SF, phasing plan for these improvements; and work on the short range transit plan
	<ul style="list-style-type: none"> Assurance that the Project will be undertaken in a manner that is revenue neutral or revenue positive in terms of fiscal impacts for the Town. 	Anticipated	No applications have been submitted. Transportation improvements schedule includes a UNC payment of \$50,000 for Town constructed pedestrian crossing at Piney Mountain Rd.
	<ul style="list-style-type: none"> Establishment of integrated site plans, urban design elements, land uses, architecture, site engineering and landscape architecture. 	Anticipated	The Development Agreement permits the phased development of transportation improvements by individual project which allows for a defined project scope that integrates these improvements with open space, utilities, and building design.
	<ul style="list-style-type: none"> Assurance of substantial commitments to public infrastructure and amenities as a result of sufficient certainty, timelines and predictability for the University. 	Anticipated	Phases can be planned as a whole, including infrastructure and improvements. Minor Modification 2012-1 and 2010-2 noted above indicated commitment.
	<ul style="list-style-type: none"> Assurance that the University provides the herein referenced public improvements, facilities and services. 	Anticipated	No applications have been submitted. The Annual Reports have documented planning updates and project status. The University also communicates its plans and project status through public information meetings, updates to the Greenways Commission and Town Council, and the CN website and CN Forest Facebook page.
3.36	General Benefits to be received by the University.		
	<ul style="list-style-type: none"> Obtain sufficient certainty, timeliness, and predictability in the Town's development review and approval process to justify the required substantial up-front capital investment for a project that will require multiple years to build out. 	Yes	The University has submitted three Minor Modifications to the Development Agreement, all of which were approved within the agreed upon time frame by the Town Manager. These modifications all resulted from additional planning and field work. This review and approval process in advance of the actual implementation has allowed the University to proceed with the Army Corps of Engineers permit application and establishment of the conservation areas.
	<ul style="list-style-type: none"> Realization of the opportunity to implement the Carolina North development plan for a mixed use campus development that is consistent with Town and University goals and needs. 	Anticipated	The opportunity is there, but realization has been hampered by the economy and the shortage of state funding
	<ul style="list-style-type: none"> Secure development rights for up to three million square feet of buildings and associated development in accordance with an approved plan of development. 	Yes	Allowed University to apply for US Army Corps Individual Permit and NC Department of Environment and Natural Resources 401 Water Quality Certification for entire CN parcel.
	<ul style="list-style-type: none"> Integration of site plans, urban design elements, land uses, architecture, site engineering, landscape architecture, and mitigation measures over the entire Project. 	Yes	Allows for long range planning yet remains flexible enough to make adjustments for unexpected situations and opportunities. For example, the University will install the landfill gas pipeline in the same corridor as the ductbank and will also place the landfill gas-to-energy generator on the CN site, which will enable the University to harness the the waste heat from the generator to help heat the first building. This wasn't the University's original plan, but the DA was flexible enough to accommodate the beneficial change.
	Periodic Assessment.	Is the DA effective?	Comments / Examples
4.16	The parties shall at periodic intervals undertake an assessment of the overall effectiveness on this Agreement. This assessment shall examine and consider, among any other factors deemed relevant and useful by the Parties:		
	1) Parties experience with the Agreement	Yes	Town and University staff members maintain regular communication. Improvements include Annual Reports to Town Council; regular updates to Board of Trustees, Town and University website and email updates, and Public Information Meetings.
	2) Degree to which the Agreement and its implementation is consistent with the intent of the Parties and	Yes	For example, protection of natural resources within the CN Tract including progress toward establishment of conservation areas. Transportation needs - planning for greenway along utility duct corridor is underway and first phase of transportation improvements is in design.
	3) Whether the Agreement is effectively addressing each Parties' objectives and interests.	Yes	The University and Town anticipate that as applications are submitted, the Development Agreement will continue to address each Party's objectives and interests.