

APPENDIX F

Example Multi-governmental Agreements

Multi-Governmental Agreement Examples

Example One:

NC 3 Corridor Transportation / Land Use Plan has recently been completed. The corridor goes through one of the rapidly growing areas around Lake Norman, in Charlotte's metro area. It presents significant challenges in land use and transportation for residents and people who travel in that area.

The Memorandum of Understanding (MOU) between thirteen participating jurisdictions and agencies is a vehicle to carry forward common goals and objectives in the form of policies.

Memorandum of Understanding

Each of thirteen participating jurisdictions and agencies were requested to approve a Memorandum of Understanding for the NC 73 Corridor Transportation/Land Use Plan, committing themselves to follow the recommendations of the Plan and to cooperate with each other in implementing the Plan. The Memorandum of Understanding is not a legal contract. Rather, it is a statement of intent by each jurisdiction. The approval of the Memorandum of Understanding can generally be considered to be acknowledgement that they:

- Adopt the MOU, as a statement of intent on behalf of the jurisdiction;
- Adopt a Council of Planning, agreeing to appoint a participant who can represent the jurisdiction's interests in the plan, can work cooperatively with the other jurisdictions, and can oversee the implementation of the recommendations within the jurisdiction;
- Accept the recommendations within their jurisdiction as guidance for land use and other actions to implement the Plan; and
- Acknowledge that their portion of NC 73 and any related roads in their jurisdiction is an integral part of an overall Corridor, and that actions taken that affect NC 73 within their jurisdiction that affect NC 73 in other jurisdictions as well, and must be made cooperatively.

The draft of the Memorandum of Understanding that was presented to each of the jurisdictions for adoption is as follows:

Memorandum of Understanding

Background

In February 2003, the North Carolina Department of Transportation (“NC DOT”), three counties, five municipalities, three Chambers of Commerce, two Metropolitan Planning Organizations and one Regional Planning Organization engaged the Centralina Council of Governments (“COG”) to administer a study of the NC 73 Corridor from Interstate Highway 85 in Cabarrus County to US Highway 321 in Lincoln County. Funds for this Corridor Study came from NC DOT, as well as from the counties, municipalities and private sector sources along the Corridor. [The term “Corridor” in the Memorandum means the area lying roughly within one-half (1/2) mile of the centerline of the NC 73 right of way between the highway’s intersections with Interstate 85 in Cabarrus County, and with US 321 in Lincoln County.]

The impetus for the NC 73 Transportation/ Land Use Corridor Plan (the “Plan”) was the recognition that increased development pressures along the Corridor, and the resulting vehicular burdens, have stressed the roadway’s capacity to serve as a reliable transportation facility for its many users. Moreover, all of the funding partners recognized two key factors: 1) considerable physical improvement will be required to “fix” the corridor; and 2) the current and foreseeable land uses along the Corridor need to be evaluated before undertaking any capital investment in “fixing” the roadway itself.

Beginning with this broad consensus, COG and NC DOT selected a team of planners to undertake the details of this study. The contract of these planning services was executed in April 2003, and the planning team’s analysis began shortly thereafter.

Public meetings have been held in Cabarrus, Lincoln and Mecklenburg Counties during November 2003 and March 2004. The planning team’s work has been guided by a steering committee comprised of COG and representatives of all municipalities or counties having land use planning jurisdiction over property along the Corridor, as well as representatives of economic development or planning organizations affected by the NC 73’s capacity. In addition, the planning team has hosted a series of land use planning charrettes with the local planning staffs for each of the municipalities and counties having land use jurisdiction along the Corridor. The planning team has also held briefings for the elected officials in each of those communities.

The resulting Plan consists of maps, drawings and other graphics that are incorporated within a Plan Report. In particular, maps corresponding to various Corridor segments show the existing and proposed land uses for each such segment. These segment maps also display the recommended improvements to the NC 73 roadway and to roads and streets connected to NC 73 and within the Corridor.

Understanding

1. Parties to this Understanding:

The Parties are:

- a.) The municipalities and the counties having jurisdiction over 1) land use ordinances and determinations whether land uses along the NC 73 Corridor are in compliance with such ordinances; or 2) public investments along the corridor.
- b.) The inter-governmental planning organizations having jurisdiction for transportation planning along the NC 73 Corridor.
- c.) COG.
- d.) NC DOT.

2. Current Land Uses: Each Party commits to accept and abide by the component of the Plan that falls within that Party's land use jurisdiction (including its extra-territorial jurisdiction) along the Corridor. Each Party's relevant component of the Plan is attached to this Memorandum, and is incorporated herein.

3. Inducements to Other Parties: Each Party understands that its commitment to its respective component of the Plan has induced other Parties to make like commitments for their respective segments of the Plan insofar as that Party has jurisdiction over the land uses within its Plan segment. Based on this understanding, each Party commits its best efforts to maintain its land use designations as shown in its respective segment of the Plan.

4. Future Collaboration Among Parties:

The Plan designates certain areas along the Corridor where further planning is needed. In most cases, those areas require collaboration among various Parties where their land use jurisdiction boundaries converge. In such cases, each Party commits its best efforts to undertake that collaborative planning, including providing direction to its

planning staff and/ or consultants engaged for such planning purposes. At the conclusion of any such collaborative planning process, each Party commits to adopt and abide by the land use ordinances determined appropriate and consistent with the Corridor Plan.

5. Council of Planning: The Parties agree that periodic reviews of the land uses and public investments along the Corridor will be required over time. In the spirit of effective collaboration and prudent long range planning, the Parties agree to establish a Council of Planning for the Corridor. This Council shall be comprised of at least one representative knowledgeable in regional planning issues from each Party. The Council shall meet periodically to review and discuss land uses development trends, transportation operations and public investment requirements.

6. Future Actions Affecting Land Uses Along the Corridor: All parties recognize that future governmental entities may not be contractually bound by the adoption of this Memorandum of Understanding. In recognition of this limitation, the Parties commit to review the status of land use and public investment decisions along the Corridor periodically. Furthermore, the Parties, in good faith, commit to: **1)** review the recommendations of the Council of Planning; and **2)** meet periodically with other Parties regarding emerging issues along the Corridor. The intent of this commitment is to promote periodic discussions of municipal and/or county **goals**, plans and strategies for maintaining effective development patterns, public investment and transportation flow along NC 73.

IN WITNESS WHEREOF, the Parties, through their duly authorized representatives, have executed this Memorandum of Understanding and have attached maps relating to their respective jurisdictions, effective this _____ day of _____, 2004.

COUNTY OF CABARRUS

By

(Title)

COUNTY OF LINCOLN

By

(Title)

COUNTY OF MECKLENBURG

By

(Title)

CITY OF CONCORD

By

(Title)

CITY OF KANNAPOLIS

By

(Title)

TOWN OF CORNELIUS

By

(Title)

TOWN OF DAVIDSON

By

(Title)

TOWN OF HUNTERSVILLE

By

(Title)

CABARRUS – ROWAN METROPOLITAN PLANNING COMMISSION

By

(Title)

CENTRALINA COUNCIL OF GOVERNMENTS

By

(Title)

LAKE NORMAN RURAL PLANNING ORGANIZATION

By

(Title)

MECKLENBURG – UNION METROPOLITAN PLANNING ORGANIZATION

By

(Title)

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

By

(Title)

Funding, Design and Construction

The key to implementation of the roadway improvements is having the NC 73 Corridor on the NCDOT Transportation Improvement Program (TIP). The TIP is the programming document for expenditures of State and Federal transportation funds. It identifies priorities for planning, design, right-of-way, and construction of roadway projects throughout the State, through a very prescribed process.

Currently, two sections of NC 73 are on the TIP, but neither is funded. The two sections are:

- TIP No. R-2236 A, from I-77 to Davidson-Concord Road in Mecklenburg County, and
- TIP No. R-2706 from SR 1356 in Lincoln County to SR 2145 in Mecklenburg County.

The TIP is fiscally constrained, meaning that the projected revenues match the projects programmed. This requires that project requests include a cost estimate. The implication of this for NC 73 is that addition of NC 73 improvements within the seven year horizon of the TIP would require removing or delaying other projects to maintain the funding ceiling set by the equity formula for the region. The Board of Transportation member decides if a project gets put into the TIP, with or without a completed feasibility study. A NCDOT feasibility study determines the scope of a given project, including a Right-of-way and construction cost estimate.

A project can only be recommended for inclusion on the TIP through the mutual concurrence of the Metropolitan Planning Organization (MPO) and NCDOT. Each MPO develops its own needs list which is submitted to the NCDOT. Through a series of joint meetings, a Local TIP (LTIP) is developed. Because of the equity formula and the requirement for fiscal constraint, only the highest priority needs are likely to be included in the State TIP.

There are two steps that will be necessary to have all of NC 73 added to the TIP List:

1. NCDOT Feasibility Study. The recommended approach for NC 73 is to request the N. C. Department Transportation to accept The NC 73 Corridor Transportation/Land Use Plan and Memorandum of Understanding as the feasibility study for NC 73. It is recommended that the full NC 73 Corridor, from US 321 to I-85, be a single feasibility study, because of the integrated nature of all of the segments, including the network roads in addition to NC 73 itself. The feasibility study for R-2705 was done in 1991 and the study for R-2155 was done in

1995, so they would need to be included as part of the overall NC 73 feasibility study, since they are outdated. The NCDOT would need to prepare a right-of-way and probable cost estimate to complete the feasibility study.

2. Add NC 73 to the Local TIP. It is recommended that one of the first actions of the Council of Planning be to initiate negotiations with MUMPO, Cabarrus-Rowan MPO and Lake Norman RPO for inclusion on their LTIP's. It will be very important for each of the LTIP's to include NC 73 as a high priority project, which will aid in having it added to the State TIP List. Once NC 73 has been added to the State TIP, it follows the prescribed process for funding, planning, design, right-of-way acquisition and construction. The priority given by the North Carolina Board of Transportation helps determine the priority of projects on the State TIP.

Jurisdiction Responsibilities

Local jurisdictions will be responsible for implementing the land use portions of the NC 73 Corridor Transportation/Land Use Plan. The kind of commitments that will be needed include:

- Maintain land use plans that are the basis for the Corridor Plan, or make changes with the concurrence of the Council of Planning that the changes would not have an adverse effect on the rest of the corridor
- Undertake area plans at locations identified in the segment plans, jointly with abutting communities where the area plans are in more than one jurisdiction
- Coordination with abutting jurisdictions to undertake area plans and to participate in the Council of Planning
- Maintain or adopt development policies that will maintain the right-of-way necessary for the appropriate road typology
- Require that developments follow the Corridor access guidelines as part of the land use and zoning approval process
- Require as part of the land use and zoning approval process that some road be funded and built as part of the developments, as indicated on the segment plans

The local jurisdictions will likely be requested to take responsibility for implementing some aspects of the roadway projects. This could place responsibility on local jurisdictions for some of the following:

- Require some pedestrian/bike trails as part of development approvals

- Possibly pay for landscape and urban design elements
- Possibly pay for sidewalks and pedestrian/bike trails
- Maybe some right of way acquisition
- Possibly maintenance of “amenities” in the right of way

The Centralina Council of Governments commitment includes:

- Participation in the NC 73 Council of Planning; and
- “Reminding” member communities of their commitments

The MPO and RPO commitment includes:

- Transportation Plan amendments as necessary to incorporate NC 73 elements.
- Supporting the NC 73 Corridor Plan through inclusion of the Corridor on the LTIP; and
- Working for inclusion of the NC 73 Corridor on the State TIP.

The NCDOT commitment includes:

- Making its “best effort” to include the recommendations set forth in the NC 73 Corridor Plan in its long range planning for the corridor; and
- Following the road typologies, access management strategy and segment plan recommendations as guidelines for the design of NC 73 projects.

Recommendations for the Council of Planning

- **COG as Convener and Staff:** It is recommended that the Centralina Council of Governments (“COG”) serve as the convener for, and provide the staff functions to, the Council of Planning. Such staff functions include (but not limited to) the proposing operating by-laws, regular meeting dates and places, and minutes of meetings.

- **Communication Protocol among Jurisdictions:** With COG’s assistance, the Council of Planning should recommend to the jurisdictions along the Corridor methods and frequencies of communicating information important to the Corridor’s users, planners and funders. Specifically, the Council of Planning should present “State of the Corridor” reports to 1) NC Board of Transportation members having responsibility along the Corridor, 2) governing bodies of the Corridor’s respective jurisdictions, and 3) economic development and planning organizations interested in the Corridor.
- **Small Area Plan Updates:** Municipalities having designated responsibilities for directing, or participating in, the development of small area plans identified in the Corridor Plan should report regularly to the Council of Planning on their planning progress (e.g., selection of consultants, scope of work, project schedule, and impacts on land uses and/or traffic volume and flow along the Corridor).
- **Developing Funding Priorities:** The Council of Planning should coordinate with the respective Metropolitan Planning Organizations and with the Lake Norman Rural Planning Organization to develop priorities among the various Corridor segments for the Local Transportation Improvement Program. Included in this coordination and prioritization process would be considering the impact of segment funding priorities to any revisions of the Thoroughfare Plan.
- **Update of Corridor Plan:** The Council of Planning should recommend updates to the NC DOT, the respective jurisdictions and planning organizations, as needed.

Recommended TIP Projects

State and Federal guidelines for TIP projects require that they begin and end at “logical termini,” referring generally to major roads or highways where notable changes in traffic volumes could be expected to occur.

The following division of the 35 mile NC 73 corridor into TIP projects is based on the locations where notable changes in traffic volume are expected. The “logical termini” of these recommended project locations in most instances result in TIP projects that overlap jurisdictions. It is anticipated that this overlap will encourage the

continued and ongoing cooperation of the various county, municipal, MPO/RPO, NCDOT division and private sector jurisdictions and agencies in order to secure funding for the projects which directly affect each of them.

1. **US 321 to new NC 16, Lincoln County.** This project would all be within unincorporated Lincoln County. It is all in the jurisdiction of Lake Norman RPO (LNRPO), and all in NCDOT Division 12. Anticipated traffic volumes through this section range from 14,000 near US 321 to 36,000 near the new NC 16. Traffic east of the new NC 16 is anticipated to be notably higher than to the west. This TIP project would include the section on new alignment from US 321 to Low Bridge Road and the potential section on new alignment from Reinhardt Circle to Maxwell Farm Lane, which is the reason it is recommended as a single TIP project. Other than construction needed in the immediate vicinity of the NC 73 Bypass, recommended improvements to Salem Church Road and Hill Road should be required as part of commercial and employment center development. Because the section on new alignment from US 321 to near Airport Road would provide notable relief to the existing NC 73/NC 27, this could potentially be two TIP projects:

1a. US 321 to Airport Road, Lincoln County, and

1b. Airport Road to new NC 16

2. **New NC 16 to new Gilead Road (SR 2136), Lincoln and Mecklenburg Counties.** This project would be partly within unincorporated Lincoln County, partly within unincorporated Mecklenburg County, and partly within the Town of Huntersville. It is partly in the jurisdiction of LNRPO and partly in Mecklenburg-Union MPO (MUMPO). It is partly in NCDOT Division 12, and partly in Division 10. It includes a major crossing of the Catawba River. Anticipated traffic volumes range from 36,000 near new NC 16 to 50,000 near new Gilead Road. Because of the improvements proposed to Gilead Road for access to I-77 and to I-485 via Vance Road, traffic volumes are anticipated to drop from 50,000 to approximately 25,000 in each direction at this intersection. NC 73 portions of this section are all on existing alignment. Recommended improvements of Little Egypt Road from NC 73 to old NC 16, of old NC 16 and Pilot Knob Road from NC 73 to old NC 16 are recommended to be included as part of this TIP project, as they have a direct bearing on the functionality of NC 73 in the West Lake Norman segment. Other recommended roads shown as part of the bypass south of NC 73 and NC 16 should be required to be built as part of developments in the area.

3. **New Gilead Road (SR 2136) to Davidson-Concord Road (SR 2693), Mecklenburg County.** This project falls partly within each of the Town of Huntersville, the Town of Cornelius, the Town of Davidson and unincorporated Mecklenburg County. It is in the jurisdiction of MUMPO, and NCDOT Division 10. Anticipated traffic volumes range from approximately 25,000 at new Gilead Road to 32,000 at Davidson-Concord Road, peaking at I-77 in the middle of the section. Because this is the central link of the limited network for the NC 73 corridor through Huntersville, Cornelius and Davidson, it is recommended to be a single TIP project for long-range planning purposes. This section is all on existing alignment. Recommended improvements to US 21 should be included as part of this TIP project, as they have a direct bearing on the functionality of NC 73. Recommended improvements to NC 115 should be part of the transit oriented development at the proposed NC 73/NC 115 commuter rail station.
4. **Davidson-Concord Road (SR 2693) to Odell School Road (SR 1601), Mecklenburg and Cabarrus Counties.** This project falls partly with each of the Town of Davidson, unincorporated Mecklenburg County and unincorporated Cabarrus County. It is also with areas expected to eventually be annexed by the City of Kannapolis and the City of Concord. It is partly in the jurisdiction of MUMPO and partly in Cabarrus-Rowan MPO (CRMPO), and is in NCDOT Division 10. Anticipated traffic volume ranges from 38,000 at David-Concord Road to 30,000 at Odell School Road. This section is all on existing alignment. Recommended improvements to Odell School Road south of NC 73 should be included as part of this TIP project, since it is part of the Untz Road southern alternative route and will relieve traffic on NC 73, resulting in a smaller and less expensive NC 73 project. Recommended improvements to Poplar Tent Church Road/Shiloh Church Road and to Odell School Road north of NC 73 should be part of the area plan development at those two locations.
5. **Odell School Road (SR 1601) to I-85, Cabarrus County.** This project falls partly within unincorporated Cabarrus County and partly within the City of Concord. It is also with areas expected to eventually be annexed by the City of Kannapolis and the City of Concord. It is all within the jurisdiction of CRMPO and NCDOT Division 10. Anticipated traffic volume ranges from 28,000 at Odell School Road to 44,000 at I-85. Because the recently completed Kannapolis Parkway has the potential to redirect some NC 73 traffic south to I-85, this section could potentially be two TIP projects:

5a. Odell School Road (SR 1601) to Kannapolis Parkway (SR 1430), and

5b. Kannapolis Parkway (SR 1430) to I-85

This project is all on existing alignment. Recommended improvements to Odell School Road and Untz Road should be included as part of this TIP project, since they are part of the southern alternative route and will relieve traffic on NC 73, resulting in a smaller and less expensive NC 73 project.

6. **Gilead Road (SR 2136) from NC 73 to I-77, Mecklenburg County.** This project falls partly within the Town of Huntersville and partly within unincorporated Mecklenburg County. It is all within the jurisdiction of MUMPO and NCDOT Division 10. This project is the western half of the southern leg of the limited network for NC 73 through Huntersville. Anticipated traffic volumes are in the 25,000 to 35,000 range. This section is mostly on existing alignment, except for approximately the first ½ mile south of NC 73.
7. **Gilead Road (SR 2136), Huntersville-Concord Road (SR 2448) and Ramah Church Road (SR 2439) from I-77 to the proposed Prosperity Church Road Extension, Mecklenburg County.** This project falls partly within the Town of Huntersville and partly within unincorporated Mecklenburg County. It is all within the jurisdiction of MUMPO and NCDOT Division 10. This project is the eastern half of the southern leg of the limited network for NC 73 through Huntersville. Anticipated traffic volumes are in the approximately 15,000 to 20,000 range. This section is mostly on existing alignment, except for the connection between Huntersville-Concord Road and Ramah Church Road.
8. **Catawba Avenue (SR 5544) and Westmoreland Road (SR 2147) from NC 73 to US 21, Mecklenburg County.** This project falls partly within the Town of Huntersville, partly within the Town of Cornelius and partly within unincorporated Mecklenburg County. It is all within the jurisdiction of MUMPO and NCDOT Division 10. This project is the eastern half of the northern leg of the limited network for NC 73 through Huntersville. Anticipated traffic volumes are in the approximately 25,000 to 30,000 range. This section is all on existing alignment.

9. **US 21, Bailey Road and Davidson-Concord Road (SR 2693) from Westmoreland Road to NC 73, Mecklenburg County.** This project is the western half of the northern leg of the limited network for NC 73 through Huntersville. The Bailey Road and Davidson-Concord Road sections have been proposed by the Town of Cornelius and the Town of Davidson as part of the Cornelius East & Davidson-Concord Road Vision Plan. This portion of the limited network is included for informational purposes only, and is not proposed as a TIP project.

Recommended TIP Project Priorities

The priorities for the TIP projects are shown separately for NCDOT Division 10 and Division 12, since they are accounted separately under the equity formula.

Division 10 Priorities

- Priority 1: New Gilead Road (SR 2136) to Davidson-Concord Road (SR 2693), Mecklenburg County. This project is currently the most congested in the corridor, with the largest projected population and the highest anticipated traffic volumes.
- Priority 2: New NC 16 to new Gilead Road (SR 2136), Lincoln and Mecklenburg Counties. This project is anticipated to carry 50,000 vehicles per day by 2025. It has the potential to become a major bottleneck.
- Priority 3: Davidson-Concord Road (SR 2693) to Odell School Road (SR 1601), Mecklenburg and Cabarrus Counties. This project is in the section of the corridor with the highest rate of projected population growth. It is already experiencing peak period congestion problems.
- Priority 4: Odell School Road (SR 1601) to I-85, Cabarrus County. This project serves a commercial and business corridor that currently experiences congestion and access management issues. If planned as two TIP projects, 4a. from Kannapolis Parkway to I-85 would be the higher priority of the two.

- Priority 5: Gilead Road (SR 2136) from NC 73 to I-77, Mecklenburg County. This project will be needed to provide diversion of traffic from NC 73. Without this project, NC 73 from Catawba Avenue to I-77 would have to be a much bigger and more expensive road project.
- Priority 6 Catawba Avenue (SR 5544) and Westmoreland Road (SR 2147) from NC 73 to US 21, Mecklenburg County. This project is also needed to provide diversion of traffic from NC 73. Without this project, NC 73 from Catawba Avenue to I-77 would have to be a much bigger and more expensive road project.
- Priority 7 Gilead Road (SR 2136), Huntersville-Concord Road (SR 2448) and Ramah Church Road (SR 2439) from I-77 to the proposed Prosperity Church Road Extension, Mecklenburg County. This project is needed to eventually divert traffic from NC 73 so that NC 73 will not have to be a bigger and more expensive project. The timing of this project will be affected by the Prosperity Church Road Extension and the construction of the link between Huntersville-Concord Road and Ramah Church Road as part of development in that area.
- Priority 8 US 21, Bailey Road and Davidson-Concord Road (SR 2693) from Westmoreland Road to NC 73, Mecklenburg County. The priority for this section of the NC 73 corridor will be determined by the Towns of Cornelius and Davidson as part of the development of the Cornelius East & Davidson-Concord Road Area Plan.

Division 12 Priorities

- Priority 1 New NC 16 to new Gilead Road (SR 2136), Lincoln and Mecklenburg Counties. This project is necessary to relieve existing congestion in the vicinity of NC 73 and old NC 16, which is steadily increasing due to the rate of development in West Lake Norman. Further, it is anticipated to carry 50,000 vehicles per day by 2025 and has the potential to become a major bottleneck.
- Priority 2 US 321 to new NC 16, Lincoln County. This project will relieve congestion on existing NC 27 between NC 73 and US 321. It will also support economic development in the area around the Lincoln County Airport and between US 321 and existing NC 73. If planned as two TIP projects, 1a. from US 321 to Airport Road would be the higher priority.

Example Two:

Paris Pike, US 278 is a major road connecting two fast growing areas in the Lexington region. The corridor transverses Kentucky's bluegrass country of rolling hills, rock fences, lush foliage, horse farms, and older mansions. Due to growth pressures there was tremendous pressure (1 week) for widening the two lane road. Original plans to widen the road by Kentucky Transportation Cabinet would do significant damage to the cultural resources as well as open the land for undesirable development.

A Multi-jurisdiction Agreement (MOA) was thus created to control the land uses along the corridor and therefore protect the scenic heritage - see following detailed description of MOA.

Lexington – Paris Pike, KY

Inter-Local Cooperation Agreement

“The Lexington – Fayette Urban County, Bourbon County, and the city of Paris entered into an inter-local agreement under Kentucky law to create a Paris Pike Commission. The Commission is separate administrative entity whose purposes are to prepare small area land use plan for the corridor, secure its adoption by the participating city and county planning commissions, review all land use applications or proposals in the corridor as to conformity to the small area plan, and to devise a Paris Pike Corridor District Ordinance to preserve and protect the character integrity of the Paris Pike Corridor.”

- Case Studies from Transportation Corridor Management: Are we Linking Transportation and Land Use Yet?

