

RESOLUTION NO. _____

RESOLUTION GRANTING THE COUNTY MANAGER AUTHORITY TO EXCHANGE EASEMENTS AND
ENTER INTO AN AGREEMENT WITH CARBEN, LLC TO RESOLVE THE REAL PROPERTY ISSUES
AT THE FORMER CHARLES D. OWEN FACILITY

- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-158 Buncombe County may acquire and convey real property; and
- WHEREAS, Carben, LLC is the owner of the former Charles D. Owen Manufacturing Facility described in Deed Book 5050, Page 1858, Buncombe County Registry, commonly known as 875 Warren Wilson Road; and
- WHEREAS, by deed recorded in Book 1119, Page 407, Buncombe County Registry, Owen granted and conveyed to the County certain real property for use as a ballpark in exchange for water rights to a certain water supply located next to the proposed ballpark property; and
- WHEREAS, the County constructed a baseball field on the Ballpark Property, a portion of which was inadvertently built on the Carben Property; and
- WHEREAS, Owen granted to the County a right-of-way from Warren Wilson Road to the Ballpark Property, said right-of-way having been recorded in Book 1119, Page 407, Buncombe County Registry. The location of said right-of-way was moved by those instruments recorded in Book 1260, Page 486 and in Book 1563, Page 10, Buncombe County Registry; and
- WHEREAS, the actual roadway from Warren Wilson Road to the Ballpark Property was not constructed within the deeded Right-of-Way; and
- WHEREAS, the entrance to the Right-of-Way from Warren Wilson Road is located Northeast of the loading dock of an industrial building located on the Carben Property; and
- WHEREAS, both Carben, LLC and the County wish to enter into an agreement to correct these real property issues at the Owen Facility.

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners for the County of Buncombe as follows:

1. That the County Manager is hereby authorized to exchange easements and enter into an agreement with Carben, LLC to resolve all existing real estate issues regarding the Owen property and ingress and egress to the County ball fields.
2. That this resolution is effective upon adoption.

This the 4th day of February 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney