

**RESOLUTION # \_\_\_\_\_**

**RESOLUTION CONCERNING TRANSFER OF ASHEVILLE REGIONAL AIRPORT TO THE  
GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AND CONVEYANCE OF  
THE WESTERN NORTH CAROLINA AGRICULTURAL CENTER TO THE STATE  
OF NORTH CAROLINA, SUBJECT TO ANY REQUISITE APPROVALS OF  
THE FEDERAL AVIATION ADMINISTRATION**

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- WHEREAS, the General Assembly of North Carolina ratified and enacted N.C. Sess. Law 2012-121 (the "Law"), which became effective on June 28, 2012; and
- WHEREAS, the Law consists of two parts; and
- WHEREAS, Part I (entitled "GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY ACT") of the Law created the Greater Asheville Regional Airport Authority (the "GARAA") as a body corporate and politic; and
- WHEREAS, the City of Asheville (the "City") is, according to information and belief, the record owner of the real property comprising the Asheville Regional Airport, and it currently leases that property to the Asheville Regional Airport Authority, as set forth, inter alia, in the January 22, 2008, Restated and Amended City-Airport Authority Lease Agreement and in accordance with the January 22, 2008, Restated and Amended Airport Authority Agreement by and between the County of Buncombe (the "County") and the City; and
- WHEREAS, Section 1.7.(b) of said Part I provides that "[t]he County of Buncombe, the County of Henderson, and the City of Asheville shall transfer to the [GARAA] within 90 days after enactment of this act all its right, title, and interest to the property known as the Asheville Regional Airport, except if approval of a federal agency is required, then within 90 days of that approval"; and
- WHEREAS, Part II (entitled "ASHEVILLE REGIONAL AIRPORT AND WNC AG CENTER PROVISIONS") of the Law requires, among other matters, that the City convey the Western North Carolina Agricultural Center (the "Ag Center"), or a portion thereof, to the State of North Carolina (the "State"); and
- WHEREAS, the City is, according to information and belief, the record owner of the real property comprising the Ag Center, or a portion thereof, and it currently leases that property to the State; and
- WHEREAS, it is the understanding of the County that the transfer and conveyance referred to in said Part I and Part II require approvals and/or releases from the Federal Aviation Administration (the "FAA"); and
- WHEREAS, the County and the City serve as cosponsors of the Asheville Regional Airport for federal-grant purposes; and

WHEREAS, the County wishes to cooperate with, and assist, the GARAA, the City, the County of Henderson, the State, and other appropriate parties (if any) in order that any approvals and/or releases needed for the transfer and conveyance referred to in said Part I and Part II can be obtained from the FAA and other requisite federal agencies (if any), and in order that such transfer and conveyance can be completed.

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

1. The Chairman of the Board of Commissioners and all other appropriate officials and attorneys of the County are hereby authorized to assist and cooperate with the GARAA, the City, the County of Henderson, the State, and other appropriate parties (if any) so that all approvals and/or releases needed for the transfer and conveyance referred to in said Part I and Part II can be obtained from the FAA and other requisite federal agencies (if any), and to make and execute, and join in, requests to the FAA and others for such approvals and releases, so that the Asheville Regional Airport property can be transferred to the GARAA (as referred to in Section 1.7.(b) of said Part I) and the Ag Center property, or a portion thereof, can be conveyed to the State (as referred to in said Part II).

2. The Chairman of the Board of Commissioners and all other appropriate officials and attorneys of the County are hereby authorized to provide such information, and to execute and deliver such documents and instruments of conveyance, as may be necessary, beneficial, and/or helpful in achieving compliance with said Part I and Part II, the legality and validity of such Parts being hereby acknowledged.

3. This resolution is effective upon its adoption.

This the 4<sup>th</sup> day of February, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk

By: \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM

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County Attorney