RESOLUTION #_____

RESOLUTION OF INTENT TO ACCEPT A BID FOR A TEN (10) FOOT EASEMENT ASSOCIATED WITH THE CITY CENTRE / HILTON GARDEN INN PROJECT

WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property; and

WHEREAS, the developers of the City Centre / Hilton Garden Inn project plan to construct the City Centre office building, a Hilton Garden Inn hotel and parking deck on the former Tripps property ("City Centre project"), and which property is more particularly described in Book 5204, Page 1734 Buncombe County Registry and identified as PIN: 9649-50-9927; and

WHEREAS, the developers plan to close on the property and purchase the City Centre project site in the very near future, and title to the property will be vested in Pulliam Spake, LLC, a North Carolina limited liability company; and

WHEREAS, a parking deck is planned in close proximity to the southern boundary of the City Centre project and due to the fire code the city Fire Marshal's office requires a ten (10) foot set back from the parking deck structure; and

WHEREAS, an easement granting air rights or restricting use of County property into the future must be treated as a sale of real property; and

WHEREAS, Buncombe County is willing to accommodate the ten (10) foot set back required for the City Centre project.

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

1. That this Board hereby declares its intent to accept offers for easement rights associated with the City Centre project.

2. That the County Manager, or her designees, are hereby authorized to accept any offer that conforms to this resolution and to proceed with the conveyance of such an easement in accordance with NCGS §160A-273 and §160A-269.

3. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

4. That this resolution shall be effective upon its adoption.

This the 5th day of August, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

_____

Kathy Hughes, Clerk

By: _____

David Gantt, Chairman

APPROVED AS TO FORM

_____

County Attorney