

RESOLUTION # _____

RESOLUTION AUTHORIZING AN EXCHANGE OF REAL PROPERTY

- WHEREAS, pursuant to NCGS §160A-271 a county has the authority to exchange any real or personal property by private negotiation if it receives a full and fair consideration in exchange for its property;
- WHEREAS, the County owns property between S. Charlotte Street and Valley Street in Asheville which houses the Planning Department and other County services and which includes County Lot 8 on the north end; and this property is more particularly described in deed recorded in Book 1342, Page 218 Buncombe County Registry.
- WHEREAS, a portion of the northeasternmost parking spaces of Lot 8 are partially located on and across the property line of property formerly occupied by T.K. Tripps restaurant as is more particularly described in Book 5204, Page 1734 Buncombe County Registry and identified as PIN: 9649-50-9927;
- 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");
- 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;
- WHEREAS, Pulliam Spake, LLC seek to straighten out the property lines between the County Lot 8 property and the City Centre project property through a property exchange;
- WHEREAS, the County proposes to exchange a 754 square foot triangle of property in the northwest corner of the County Lot 8 property and being a portion of PIN: 9649-50-8678 for a 756 square foot triangle of property in the southeast corner of the City Centre project property; and the exchange tracts are depicted in the attached Exhibit:
- WHEREAS, these 754 and 756 square foot properties are valued at \$1,100.00 each as each is unbuildable alone and of little value without being attached to a larger property; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to authorize this property exchange.

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

1. That this Board of Commissioners finds that Buncombe County is receiving a full and fair consideration in exchange for its property.
2. That by and with the consent of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute and exchange deeds with Pulliam Spake, LLC as described above in accordance with NCGS §160A-271.
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 become effective upon its adoption.

This the ____ 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