

RESOLUTION #

RESOLUTION GRANTING STORMWATER EASEMENT TO
THE CITY OF ASHEVILLE

- 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 County is the listed owner of a certain lot or parcel of land located between Valley Street and S. Charlotte Street in Asheville and being described in deed recorded in Book 1342, Page 218 Buncombe County, NC Registry, and is shown on the tax records of Buncombe County as PIN#: 9649-50-8678 ("County property"); and
- WHEREAS, during the investigation of the proposed City Centre and Hilton Garden Inn development project on the property located at 311 College Street, the city of Asheville development team found that the old concrete culvert bisecting 311 College Street and running across the County property is failing; and
- WHEREAS, this old concrete culvert is a major stormwater runoff feature which collects water from and drains I-240, Charlotte Street and College Street; and
- WHEREAS, City staff have work with the developers of the City Center project and it has been determined that the best course of action is to relocate this stormwater system along the east side of S. Charlotte Street and crossing back under S. Charlotte Street to reconnect the system on the County property south of County Parking Lot 8 where a stable section of concrete culvert is found; and
- WHEREAS, in the 1920's the City obtained an easement from former owners of the County property and once the new stormwater system is installed the old 1920's easement will need to be abandoned and necessary and appropriate remedial measures need to be taken for the purpose of repairing any cavities or sink holes created by the collapsed and failing concrete culvert such that the integrity of the County property is maintained; and
- WHEREAS, the City of Asheville requires a new perpetual right of way for construction, operation, and continuing general maintenance purposes for the new stormwater system; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to grant a stormwater easement to the City in exchange for the City's repairing any cavities or sink holes created by the collapsed and failing concrete culvert such that the integrity of the County property is maintained.

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

1. That following agreement by the city of Asheville to repair, by fill or removal, any

cavities or sink holes created by the collapsed and failing concrete culvert such that the integrity of the County property is maintained, the Chairman and County Manager, or either of them, are hereby authorized, to execute a Stormwater Drainage Easement granting to the City of Asheville an easement to construct, replace, maintain, and operate a stormwater system on the County property in a location to the south of the paved surface of County Parking Lot 8.

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

This the ____ of September, 2014.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney