

RESOLUTION #

RESOLUTION GRANTING STORMWATER EASEMENT TO
HIGH COUNTRY LAND HOLDINGS, LLC and ANDERSON/ASHEVILLE, LLC

- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property; and
- WHEREAS, County is the owner of Lot 1, containing 1.945 acres, operating the Buncombe County Animal Shelter having an address of 16 Forever Friends Lane, Asheville, NC 28806, as shown on the plat recorded in Plat Book 122, at Page 2 in the Office of the Register of Deeds for Buncombe County, North Carolina; and
- WHEREAS, High Country Land Holdings, LLC is the owner of that property located at 621 Brevard Road, Asheville, NC 28806 and described by deed recorded in Book 4927, at Page 118 and shown on plats recorded in Plat Book 100, at Page 188; Plat Book 104, at Page 139 and Plat Book 122, at Page 2, all of the Buncombe County, NC Registry (herein “High Country’s Property”); and
- WHEREAS, Anderson/Asheville, LLC is the owner of that property located at 629 Brevard Road, Asheville, NC 28806 and described by deeds recorded in Book 1817, Page 778; Book 3464, Page 574 and Book 5052, Page 87, all of the Buncombe County, NC Registry (herein “Anderson’s Property”); and
- WHEREAS, Asheville Humane society, Inc. is the owner of that property located at 14 Forever Friends Lane, Asheville, NC 28806 and being all of Lot 2 as shown on Plat recorded in Plat Book 122, at Page 2 and being the retained portion of that property as described by deed recorded in Book 4159, at Page 712 of the Buncombe County, NC Registry (herein “Society’s Property”); and
- WHEREAS, shared road access as well as a joint water line and storm water drainage system (the “Drainage System”) was constructed prior to the subdivision of the property into two lots as set forth and shown on that plat recorded in Plat Book 122, at Page 2 and as established by the terms, restrictions and conditions as set forth in Exhibit A to that deed from Power Flo Products, Inc. to Buncombe County Friends for Animals, Inc. (now “Society”) recorded in Book 4159, at Page 712 in said registry and as further set forth in that deed between the Society and County recorded in Book 4635, at Page 164 in said registry (herein “Development and Maintenance Plan”); and
- WHEREAS, High Country (successor to Power Flo Products, Inc.) and Anderson have improved their properties pursuant to a joint development and land swap agreement which plan includes various utility and storm water drainage easements as more particularly shown on plat recorded in Plat Book 138, at Page 182 of the Buncombe County, NC Registry (“Development Stormwater Easements”); and
- WHEREAS, said Development Stormwater Easements tie into and drain thru the existing drainage

easements as shown on plat recorded in Plat Book 122, at Page 2 which cross onto the property of County pursuant to approved engineering plans, and then ultimately discharge into the stormwater pond that is a part of the Drainage System; and

WHEREAS, High Country and Anderson are desirous of obtaining stormwater easements across the property of County and County hereby consents to grant said easements in exchange for a shift in a share of the maintenance responsibilities and costs for the Drainage System.

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

1. That the Chairman and county Manager, or either of them, are hereby authorized to execute a Stormwater Drainage Easement (a copy of which is attached to this Resolution) granting to High Country Land Holdings, LLC and Anderson/Asheville, LLC an easement to tie into and drain thru the existing drainage easements as shown on plat recorded in Plat Book 122, at Page 2 which cross onto the property of County described above.
2. That this resolution shall be effective upon its adoption.

This the 6th of January, 2015.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney