

RESOLUTION #

RESOLUTION OF INTENT TO ACCEPT
BUNCOMBE COUNTY BOARD OF EDUCATION PROPERTY
FOR COPS FUNDING

- WHEREAS, in accordance with provisions of Ch. 115C of the North Carolina General Statutes, county governments are responsible for the capital needs for local public education systems;
- WHEREAS, pursuant to NCGS §153A-158.1, a county may acquire any interest in real or personal property for use by a school administrative unit within the county, and a county, may construct, equip, expand, improve, renovate, or otherwise make available property for use by a school administrative unit within the county;
- WHEREAS, likewise, a local board of education may, in connection with additions, improvements, renovations, or repairs to all or part of any of its property, lease or sell the property to the board of commissioners of the county in which the property is located;
- WHEREAS, Buncombe County and Buncombe County Board of Education ("BCBOE") are cooperating in the process of the construction of the new Enka Intermediate School ("EIS");
- WHEREAS, the EIS project is located, in part, on real property currently owned by BCBOE as same is shown by plat recorded in Plat Book 138, Page 41 Buncombe County Registry;
- WHEREAS, Buncombe County owns an adjoining 2.43 acre parcel as same is shown by plat recorded in Plat Book 114, Page 154 which represents the balance of the EIS site, and BCBOE will reimburse Buncombe County its costs of acquiring the parcel;
- WHEREAS, the entire EIS project site is shown on plat recorded in Plat Book 142, Page 86;
- WHEREAS, Buncombe County plans to fund the EIS project costs through Certificates of Participation ("COPS");
- WHEREAS, Buncombe County needs ownership of the entire EIS project site to serve as collateral for the COPS funding; and
- WHEREAS, until this debt is paid, the County will lease the EIS site to BCBOE, and once the debt is paid in full Buncombe County will convey the EIS site to BCBOE.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of

Buncombe as follows:

1. That by and with the consent of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized, empowered and directed to execute any and all agreement, leases, deeds, and other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
2. 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.
3. That this resolution shall be effective upon its adoption.

This the ____ of March, 2015.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney