

RESOLUTION # \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF DEED TO  
THE CITY OF ASHEVILLE

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- WHEREAS, the City of Asheville (the "City") operates and maintains a park in Kenilworth located between Lakewood Drive and Chiles Avenue known as Lakewood Park and as shown on the records of the Buncombe County Tax Office as PIN#: 9648-93-4502 (the "Property");
- WHEREAS, Buncombe County (the "County") is the listed owner of record of the Property by deed recorded in Record Book 1371, Page 414 Buncombe County Registry;
- WHEREAS, the deed referenced above was a catch-all conveyance to Buncombe County of all properties in the County titled in the name of the Buncombe County Board of Tax Supervision following the repeal of that board by the legislature in 1984; the Board of Tax Supervision became the owner of the Property in 1937 following the tax foreclosure of Tax Certificate No. 3894 as evidenced by the recording of Sheriff's Deed recorded in Book 579, Page 17 Buncombe County Registry;
- WHEREAS, there is no record in the care and custody of the Clerk to the Board which demonstrates the Property has ever been transferred to the City;
- WHEREAS, pursuant to NCGS §160A-274 a county may convey property to another governmental unit upon such terms and conditions as it deems wise;
- WHEREAS, the County currently holds title to the Property for the benefit of all tax units in the jurisdiction pursuant to NCGS §105-376, and, inasmuch as the City has permanently dedicated the Property to a public purpose as a public park, the County has determined that this Property should be conveyed to the City without further consideration; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to convey this Property to the City.

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

1. That by and with the approval of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute the attached Non-Warranty Deed conveying all of its right, title and interest in and to the Property to the City of Asheville.

2. That 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 June, 2015.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Kathy Hughes, Clerk

By: \_\_\_\_\_  
David Gantt, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney