

RESOLUTION # _____

RESOLUTION AUTHORIZING EXECUTION OF REVISED EASEMENT TO
THE CITY OF ASHEVILLE

- WHEREAS, the City of Asheville (the "City") seeks to acquire an easement through a portion of the Asheville Middle School property as part of its Clingman Forest Greenway (the "Greenway");
- WHEREAS, Buncombe County (the "County") is the owner of record of the Asheville Middle School property pursuant to G.S. 153A-158.1(c) and must agree to grant the easement for the Greenway;
- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property;
- WHEREAS, the County has asked that the Asheville City Board of Education (the "BOE") provide its recommendation regarding granting the revised easement, and the BOE has recommended and requested that the County grant the revised easement to the City of Asheville covering the permanent and temporary greenway easement areas as described in the attached Permanent and Temporary Greenway Easement;
- WHEREAS, the revision call for changes to the temporary and permanent easement areas, with the Temporary Easement area decreased from 0.83 acres in the original easement to 0.703 acres in the revised easement and the Permanent Easement increased from 0.72 acres in the original easement to 0.936 in the revised easement;
- WHEREAS, the City is requesting that the County and the BOE execute an Acknowledgment to the North Carolina Department of Transportation evidencing their willingness to voluntarily grant an easement for the Greenway without an appraisal to determine just compensation, in consideration of a payment from the City to the BOE in the amount of \$22,500; 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 such an easement 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 Revised Permanent and Temporary Greenway Easement as well as any other documents necessary to effectuate this greenway for the benefit of 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 4th of October, 2016.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney