

Resolution #

Resolution Authorizing the Sale of the Arco Road Property Bequeathed to the County by Billy Gene Scroggs

WHEREAS, the late Billy Gene Scroggs (hereinafter “Mr. Scroggs”), a lover and supporter of the Buncombe County Library System, especially the East Asheville Branch of the Buncombe County Library System, generously bequeathed the majority of his estate for the benefit of the East Asheville Branch of the Buncombe County Library System; and

WHEREAS, included in Mr. Scroggs’s estate was an improved parcel of property located at 84 Arco Road in Asheville, North Carolina, in Buncombe County, Pin # 9658-77-5806, more particularly described in Deed Book 1269, Page 416 recorded in the Buncombe County Registry of Deeds (hereinafter “the Arco Road Property”); and

WHEREAS, in order for Mr. Scroggs’ bequest to be carried out, it is necessary to sell the Arco Road Property; and

WHEREAS, under North Carolina law, it is possible that Buncombe County could be considered the owner, or an owner, of the Arco Road Property; and

WHEREAS, N.C. Gen. Stat. § 160A-271 authorizes a County to exchange any real property belonging to the County for other real or personal property by private negotiation if the County receives a full and fair consideration in exchange for its property; and

WHEREAS, the County has given proper notice in accordance with N.C. Gen. Stat. § 160A-271; and

WHEREAS, a recent appraisal of the Arco Road Property estimated its value at \$150,000 and a party is interested in purchasing the Arco Road property for at least \$145,000; and

WHEREAS, Buncombe County finds that \$145,000 would constitute full and fair consideration in exchange for the Arco Road Property, given acknowledgment in the appraisal that that the Arco Road Property will require significant deferred maintenance and repair.

NOW, THEREFORE, BE IT HEREBY 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 sign any and all documents necessary to the exchange of the Arco Road Property consistent with this resolution in order that the County may receive its share of the Estate.

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 be effective upon its adoption.

Adopted this the 4th day 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