

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

RESOLUTION AUTHORIZING EXECUTION OF AN EASEMENT TO  
LEICESTER VOLUNTEER FIRE DEPARTMENT, INCORPORATED

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- WHEREAS, Leicester Volunteer Fire Department, Incorporated ("Leicester Fire") has made its home at 2852 New Leicester Highway for over 40 years and this building is fast approaching the end of its operational life for fire and rescue purposes;
- WHEREAS, in December 2010 Leicester Fire was able to buy a tract of land ("New Fire Station Tract") near its current station just off Alexander Road and adjacent to the Leicester Library as the first step in building a new main fire station;
- WHEREAS, as part of the due diligence to buy this property Leicester Fire personnel worked with County staff regarding the procedural requirements to obtain an easement across the Leicester Library property;
- WHEREAS, Leicester Fire is now working to secure architect and engineering services for construction planning and needs to acquire a formal easement through a portion of the Leicester Library property for ingress and egress to accommodate the new fire station;
- WHEREAS, the Leicester Library property consists of three parcels as generally depicted in the attached Exhibit and the preliminary plans will place the new fire station on the highest and relatively level area of the New Fire Station Tract in the area of the red "X" as shown on the Exhibit;
- WHEREAS, the current driveway leading from Alexander Road to the Leicester Library parking lot is approximately 275 feet long, and Leicester Fire proposes to share the first 100 feet of the driveway where it will then branch off on a new drive to the new fire station site, a preliminary sketch is also attached;
- WHEREAS, Leicester Fire understands that the current driveway entrance and skirt area as well as the first 100 feet of driveway leading up to the library parking lot is not designed for heavy trucks and equipment, and this Board understands that Leicester Fire agrees to be financially responsible for any and all necessary upfits to this driveway;
- WHEREAS, Leicester Fire further understands and agrees to defend and hold harmless the County and its officers, directors and employees as well as library patrons from all liability, loss, costs, claims, damages, expenses, attorney fees, judgments and awards arising or claimed to have arisen, from any injury caused by, or allegedly caused by, either in whole or in part, any act or omission of Leicester Fire or its contractors or any employee, agent or assign of the Contractor through and including final sign-off and approval of the completed new fire station and driveway;
- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property; 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 Leicester Fire.

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 a Right of Way Easement in final form for the benefit of Leicester Fire once a survey of the easement is completed consistent with this resolution provided the following conditions are met:
  - a. the survey of the driveway route meets the approval of County Planning and General Services;
  - b. Leicester Fire executes and delivers a financial responsibility and hold harmless agreement in a form satisfactory to County Legal Services; and
  - c. the final driveway design and engineering specifications meets the approval of County Planning and General Services.
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 16<sup>th</sup> day of May, 2017.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

By: \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

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County Attorney