

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

RESOLUTION AUTHORIZING EXECUTION OF A GREENWAY EASEMENT TO  
THE CITY OF ASHEVILLE

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- WHEREAS, Buncombe County owns a certain tract or parcel of land as same is set forth and described in Deed Book 5310, Page 500 Buncombe County Registry, and being that 137.21 acre parcel as as same is shown on plat recorded in Plat Book 50, Page 107 in said registry, and said property is sometimes generally referred to as "the Ferry Road property;"
- WHEREAS, the terms and conditions of said Deed Book 5310, Page 500 require that this property is subject to "An easement in the name of the City of Asheville for use as a greenway and related recreational purposes;"
- WHEREAS, this condition is in accordance with the terms and conditions of that certain Inter-Local Agreement dated April 16, 2014 by and between County's predecessor in interest, Henderson County, and the City of Asheville;
- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property;
- WHEREAS, pursuant to N.C.G.S. 160A-353, the City has the authority to acquire interests in real property for parks and recreation facilities by any lawful means, including gifts or grants or purchase and to accept such gifts, grants or devises subject to the terms and conditions that may be imposed by the County;
- WHEREAS, the City desires an easement for ingress, egress and regress over the County's Property for purposes of constructing, enlarging, replacing, and continuing general maintenance of the greenway;
- WHEREAS, the County is willing to grant this Greenway Easement over its Property in compliance with the terms of the aforementioned Inter-Local Agreement; 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 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 \_\_\_\_ of November, 2017.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

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

APPROVED AS TO FORM

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