

RESOLUTION # _____

RESOLUTION ALLOWING AMENDMENT TO THE
PURCHASE OPTION LEASE WITH LAND-OF-SKY
REGIONAL COUNCIL FOR A PORTION OF LEICESTER
CROSSING

- WHEREAS, on January 8, 2007, the Buncombe County Board of Commissioners passed Resolution #08-01-04 (attached hereto as "Exhibit 1"), which authorized a Lease with Option to Purchase a portion of the property located at Leicester Crossing on New Leicester Highway in Asheville to Land-of-Sky Regional Council; and
- WHEREAS, on January 8, 2008, the County and Land of Sky did enter into and execute such an agreement (attached hereto as "Exhibit 2"), which was amended on June 28, 2011 (said amendment is attached hereto as "Exhibit 2a"); and
- WHEREAS, since the execution and modification of the original agreement and the first amendment thereto, the amount of space occupied and used by Land-of-Sky Regional Council at Leicester Crossing on New Leicester Highway in Asheville has changed and the parties now desire to more accurately account for ongoing maintenance and utilities; and
- WHEREAS, it is in the best interest of the County to amend said agreement as show in the "Second Amendment to Lease and Purchase of Commercial Real Property" attached hereto as "Exhibit 3."

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

1. That the Lease with Option to Purchase a portion of the property located at Leicester Crossing on New Leicester Highway in Asheville to Land-of-Sky Regional Council be amended as shown in Exhibit 3.
2. That the Chair, Vice-Chair, and the County Manager, or any one of them, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this Resolution
3. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and 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.

4. That any prior resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
5. That this resolution shall become effective upon its adoption.

This the 5th day of June, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
Brownie Newman, Commission Chair

APPROVED AS TO FORM

County Attorney