

RESOLUTION NO.

RESOLUTION AUTHORIZING THE COUNTY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ASHEVILLE REGARDING THE PARCELS OF LAND ON WHICH THE COURTHOUSE ADDITION WILL BE LOCATED

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-11 Buncombe County may convey real property to other government agencies; and

WHEREAS, Buncombe County is the owner of a number of parcels of property along College Street in Asheville, North Carolina, which parcels are further described in instruments recorded in Deed Book 1266, Page 350 (PIN 9649-50-4857), Deed Book 1127, Page 193 (PIN 9649-50-5829), and Deed Book 1802, Page 595 (PIN 9649-50-6913) (all PINs current as of date of execution) in the Buncombe County Registry of Deeds (herein collectively, "Parcels"; and

WHEREAS, pursuant to codes and ordinances administered by the City of Asheville, and as a condition for approval from the Technical Review Committee, the County is required to recombine the three individual parcels into one parcel such that improvements will not cross property lines, or to provide other satisfactory and binding limitation on its ability to separately convey the individual Parcels; and

WHEREAS, Buncombe County has previously pledged the Parcels severally as security for bond indentures and other financing instruments which are still outstanding, and cannot recombine the Parcels without great hardship and expense; and

WHEREAS, in lieu of a recombination, the City of Asheville has agreed to the attached Memorandum of Understanding attached as Exhibit A to this resolution where the County pledges not to transfer any of the parcels individually for as long as the Courthouse Addition remains on the parcels to satisfy the requirements of the Technical Review Committee.

NOW, THEREFORE, BE IT RESOLVED By the Board of Commissioners for the County of buncombe as follows:

1. That the County Manager is authorized to sign the attached Memorandum of Understanding on behalf of the County with the City of Asheville.
2. That this resolution is effective upon adoption.

This the 20th of March 2012.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney