

RESOLUTION # _____

RESOLUTION AUTHORIZING EXECUTION OF EASEMENT TO
METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA ["MSD"]

- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property; and
- WHEREAS, as part of an economic development incentive initiative, Buncombe County acquired a total of 65.37 acres from Volvo Construction Equipment North America, LLC and Carolina Power & Light Company, a North Carolina public service corporation, now d/b/a Progress Energy Carolinas, Inc.; and
- WHEREAS, there are various sewer lines on the property and MSD needs a formal easement in order to provide for access and maintenance; 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 MSD for these purposes.

NOW, THEREFORE, BE IT 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 execute an Easement granting to Metropolitan Sewerage District of Buncombe County, North Carolina an easement for access to and from the easement areas and in order to construct, install, operate, utilize, inspect, rebuild, repair, replace, remove, and maintain underground facilities consisting of waste water collection systems within the easement area.
2. That by and with the approval of the County Attorney, the Chairman and County Manager, or either of them, are hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution; except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
3. That this resolution shall be effective upon its adoption.

This the 19th of June, 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