

RESOLUTION NO. _____

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

- WHEREAS, Metropolitan Sewerage District of Buncombe County, North Carolina, a public body and body politic and corporate, created and established by the North Carolina State Stream Sanitation Committee by Resolution adopted on January 19, 1962, under the provisions of the North Carolina Metropolitan Sewerage Districts Act, now codified as Chapter 162A, Article 5, of the General Statutes of North Carolina ("MSD") is undertaking to repair and/or replace aging sewer lines in the Swannanoa area on Old U.S. Hwy 70 (S.R. 2435); and
- WHEREAS, Buncombe County is the owner of certain properties in the area of this project more particularly described in deeds recorded in Book 4190, Page 1738 Buncombe County Registry; and
- WHEREAS, MSD does not have a formal easement of record from the County or its predecessors in interests and has requested that the County grant and convey to MSD a temporary construction easement and a permanent easement over, upon, across, under and through a portion of this property of County for the purposes of constructing, operating, maintaining, repairing, inspecting, and reconstructing sewer lines and accessories; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of Buncombe County to execute the Easement Agreement a copy of which is attached hereto.

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, a copy of which is attached hereto.
2. 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. All acts and doings of officers, employees and agents of the County that are in conformity with the purposes and intents of this Resolution and in the furtherance of the intents and purposes of this Resolution as described above shall be, and the same hereby are, in all respects approved and confirmed.
4. All 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 be effective upon its adoption.

This the 7th of August, 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