

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

**RESOLUTION AMENDING THE GARRY AND CAROLYN BLEEKER  
AGRICULTURAL CONSERVATION EASEMENT AND TO EXECUTE A  
PROGRESS ENERGY CAROLINAS UTILITY EASEMENT CROSSING THE  
BLEEKER PROPERTY**

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WHEREAS, by Ordinance 19507, the Board of Commissioners for Buncombe County adopted the Farmland Preservation Program and said Ordinance allows the County to lease, purchase and/or otherwise accept conservation easements in agricultural and/or open lands in order to promote the preservation and protection of farmland and to support agriculture as an integral part of the County's economy;

WHEREAS, Buncombe County holds a conservation easement (hereinafter sometimes "Conservation Easement") on 84.96 acres, more or less, owned in fee simple by Garry and Carolyn Bleeker and recorded in the Buncombe County Register of Deeds Office on November 7, 2005 in Deed Book 4134 at Page 195;

WHEREAS, there exist five utility easements across said Bleeker property, held by Carolina Power and Light Company d/b/a Progress Energy Carolinas, Inc., and recorded in Deed Book 623 at Page 300, Deed Book 885 at Page 158, Deed Book 1020 at Page 635, Deed Book 1124 at Page 263 and Deed Book 1356 at Page 725 in said registry;

WHEREAS, the utility easement recorded in Deed Book 623 at Page 300 runs north of and approximately parallel to Garren Creek Road, the center line of which is approximately thirty-five feet at the western boundary and seventy-five feet at the eastern boundary of the Bleeker property from the edge of said road, and Progress Energy Carolinas wishes to relocate said easement to the northern edge of Garren Creek Road, the center line of which will run with and along an existing fence line and approximately ten feet from the edge of said road;

WHEREAS, Article VI, Paragraph G, Amendments, Conservation Easement states that the Bleekers and Buncombe County may amend said Conservation Easement, by written consent of both parties, in order to meet changing conditions, provided that the amendment is not inconsistent with the purposes of said Conservation Easement;

WHEREAS, the primary purpose of the Conservation Easement is to protect the agricultural soils and agricultural viability and productivity of the property and the relocation of the utility easement to the northern

edge of Garren Creek Road will reduce said utility easement's encroachment upon and across the property and promote efficient production and utilization of the soils and promote a sound and prosperous agricultural and rural economy; and

WHEREAS, that this Board is of the opinion that it is in the best interests of the citizens and residents of the County to amend the Conservation Easement.

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

1. That the Chairman be and he is hereby authorized to execute an Amendment to Deed of Agricultural Conservation Easement a copy of which is attached hereto and marked Exhibit "A".
2. That the Chairman be and he is hereby authorized to execute an Amended and Restated Right of Way Agreement a copy of which is attached hereto and marked Exhibit "B".
3. That this resolution shall be effective upon its adoption.

ATTEST:

BOARD OF COMMISSIONERS  
FOR THE COUNTY OF BUNCOMBE

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Kathy Hughes, Clerk to the Board

By:  
David Gantt, Chairman

APPROVED AS TO FORM:

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Michael C. Frue, County Attorney