



City of Asheville  
*Community & Economic Development*

P.O. Box 7148  
Asheville, NC 28802  
(828) 232-4505  
[www.ashevillenc.gov](http://www.ashevillenc.gov)

May 27, 2015

Michael C. Frue  
Senior Staff Attorney  
Buncombe County  
200 College Street, Suite 300  
Asheville, NC 28801

Cynthia S. Grady  
Legal Counsel  
Asheville City School  
85 Mountain Street  
Asheville, NC 28801

Re: Easement Request for the Clingman Forest Greenway at Asheville Middle School

Dear Mr. Frue and Ms. Grady,

The City of Asheville would like to request that the Asheville City School Board waive their right to an appraisal of the easement area being requested, in order to facilitate the donation of the easement area near the Asheville Middle School. In return for this consideration, the City of Asheville would offer a payment of \$22,500 to pay for a future fence replacement along the easement or for any purpose deemed necessary by the School Board.

The monies needed to pay for this effort are being provided by a Federal Highways grant that is being administered through the North Carolina Department of Transportation. As a result, our actions are governed by the Uniform Act, a federal statute that guarantees the rights of property owners. I have attached the NCDOT form that is needed to waive the appraisal and donate the easement. Also included is a copy of the easement agreement with changes made pursuant to access and maps showing the easement area. The funds promised would be provided upon receipt of the fully executed easement agreement.

We ask that our offer be presented to the Asheville City School Board for their consideration. We understand the City School Board is acting as an agent for Buncombe County, who actually owns the property. We would be glad to discuss this with you further or answer any questions that may arise.

Sincerely,

Ellen McKinnon  
Right of Way Agent

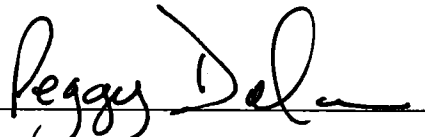
*The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.*

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Approvals:

BY: \_\_\_\_\_

Chair, Buncombe County Commissioners

By:   
Asheville City Schools Board Chair



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

DATE: May 26, 2015  
 WBS ELEMENT: N/A  
 FA PROJECT:  
 ID NUMBER: N/A  
 COUNTY: Buncombe  
 DESCRIPTION: Greenway Easement on Property Owned by Buncombe County at 197 S. French Broad Avenue (9648-17-2323, DB 5188, Pg. 0997) being operated as Asheville Middle School.

**Property Owner Acknowledgement of the Terms for the Voluntary Donation Of Property to the North Carolina Department of Transportation.**


The undersigned property owner and/or the undersigned property owner's legal representatives freely acknowledge their desire and willingness to voluntarily transfer their ownership of privately owned real property to the North Carolina Department of Transportation for the benefit of the above sited public transportation project without receipt of just compensation. It is further agreed and acknowledged by the undersigned property owner and/or the property owner's legal representative that the property owner and/or legal representative has been advised that he/she is entitled to have an appraisal made on his/her property to determine just compensation and the owner releases the Department from this obligation and waives any compensation in exchange for the donation of property as right of way in full settlement of his/her claim. The purpose of this document is to ensure compliance under Title 23 of the United States Code of Federal Regulations (CFR), Subchapter H (Right-of-Way and Environment), Part 710 (Right-of-Way and Real Estate), Subpart E (Property Acquisition Alternatives), Subsection .505 (Real Property Donations).

\_\_\_\_\_ (SEAL)

*Peggy Dale* (SEAL)  
 Asheville City Schools  
 Board Chair

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY: \_\_\_\_\_

(Stamp/Seal)	STATE OF _____ COUNTY OF _____
	I, _____ a Notary Public for said County and State, so hereby certify that _____
	personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the _____ day of _____, _____.
	My commission expires _____ Notary Public

 <p>(Stamp/Seal)</p>	STATE OF <u>North Carolina</u> COUNTY OF <u>Buncombe</u>
	I, <u>Cynthia Ann Moore</u> a Notary Public for said County and State, so hereby certify that <u>Peggy Dalman, Asheville City Schools Board Chair,</u>
	personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the <u>9<sup>th</sup></u> day of <u>June</u> , <u>2015</u> .
	My commission expires <u>2/18/2019</u> <u>Cynthia Ann Moore</u> Notary Public

Frm4-CC  
Revised 4-5-13