

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE EXECUTION OF A NON-WARRANTY DEED TO THE CITY OF ASHEVILLE

- WHEREAS, the city of Asheville is the listed owner of a certain property located on State Street identified as parcel #: 9638-51-9830 and described in deed recorded in Book 454, Page 318, Buncombe County Registry and which deed identified the property as Lot 113, Sheet 7, Ward 5;
- WHEREAS, the ownership of this property is not clear due to a split in the chain of title resulting from a Buncombe County Board of Tax Supervision foreclosure on property in 1975 by deed recorded in Book 1128, Page 171 which described the parcel as Lot 1 on Plat Book 14 at Page 75, and this appears to be the same tax lot; this property was subsequently conveyed to Buncombe County when the Board of Tax Supervision was dissolved by deed recorded in Book 1371, Page 414;
- WHEREAS, Mountain Housing Opportunities is interested in purchasing the property from the City for affordable housing development and they have acquired the adjacent lot;
- WHEREAS, in order to get title insurance on the transaction in favor of Mountain Housing's acquisition, the title company is requiring a non-warranty to deed from both the City and the County in order to eliminate the title split and the City has requested that the County assist with this transaction;
- WHEREAS, pursuant to N.C. Gen. Stat. § 153A-11 and 160A-274 Buncombe County may convey real property to other governmental units; and
- WHEREAS, County Legal Services has determined that Buncombe County has no viable ownership interest in the property, and this Board believes it is in the best interests of the citizens and residents of the County to accommodate this request.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS:

1. That the Chairman and County Manager, or either of them, are hereby authorized to execute a non-warranty deed to the City of Asheville to transfer all its right, title and interest in the property described in deed recorded in Book 1128, Page 171 and in Book 1371, Page 414 Buncombe County Registry to the City of Asheville.
2. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.

3. That this resolution shall be effective upon its adoption.

This the 2nd day of February, 2016.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

County Attorney