

RESOLUTION # _____

RESOLUTION DECLINING TO PURCHASE A PORTION OF THE ENKA INTERMEDIATE SCHOOL
PROPERTY AND APPROVING THE SUBLEASING OF THE SAME TO ENKA-CANDLER FIRE & RESCUE
DEPARTMENT

WHEREAS, the Buncombe County Board of Commissioners (“County”) and the Buncombe County Board of Education (“Board of Education”) cooperated in the construction of the Enka Intermediate School building (the “Project”) upon the property located at 125 Asheville Commerce Parkway, Candler (the “Property”);

WHEREAS, the Project is funded by the County through a financing plan using the Property as collateral for the loan proceeds;

WHEREAS, by instrument dated as of April 1, 2015, a memorandum of which is recorded in the Buncombe County Registry in Book 5300, page 591, the County leased the Property to the Board of Education (the “Lease”), which leasehold interest is subordinate and subject to the Project financing agreement;

WHEREAS, the said Lease permits the subleasing of the Property by the Board of Education, only with the prior written consent of the County, which consent shall not be unreasonably withheld; and

WHEREAS, Enka-Candler Fire & Rescue Department, Inc. has requested to sublease a portion of the Property for the purpose of constructing a substation thereon, as described in and pursuant to the terms of the attached sublease, and the Board of Education proposes to sublease the said portion of the Property to the Department, subject to the County’s financing agreement.

NOW THEREFORE, the Board of Commissioners hereby resolves as follows:

1. The Board of Education duly offered the affected portion of the Property to the County for purchase pursuant to G.S. §115C-518. The County hereby declines to purchase the affected portion of the Property.
2. The Board of Education is authorized to enter into the proposed sublease with the Enka-Candler Fire & Rescue Department, Inc.
3. This Resolution shall be effective immediately upon its approval.

READ AND APPROVED, this the ____ day of August, 2018.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney