

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

RESOLUTION DECLINING TO PURCHASE SURPLUS PROPERTY FROM  
THE BUNCOMBE COUNTY BOARD OF EDUCATION AND  
APPROVING A SUBLEASE OF THAT PROPERTY

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- WHEREAS, for purposes of construction financing, Buncombe County is the owner of the site of the Enka Intermediate School (the "School Property");
- WHEREAS, the County leases the School Property by instrument dated April 1, 2015 to the Buncombe County Board of Education ("School Board") and which leasehold is subordinate and subject to the applicable financing agreement;
- WHEREAS, Buncombe County and the School Board have been working with Enka-Candler Fire & Rescue Department, Inc. ("Enka-Candler Fire") regarding its plans for the construction of a new substation on a portion of the Property;
- WHEREAS, the parties have identified 2.43 acres as shown on a plat recorded in Plat Book 142, Page 86 Buncombe County Registry which is adjacent to the School Property that is suitable for the plans of Enka-Candler Fire;
- WHEREAS, by resolution dated August 9, 2018 the School Board declared the 2.43 acres as unnecessary for its public school purposes, and, as required by law, offers the 2.43 acres to Buncombe County for purchase at a fair market value or other negotiated value;
- WHEREAS, by said resolution the School Board also requested that Buncombe County decline the offer, and the County, in fact, has no need or use for the 2.43 acres; and
- WHEREAS, the lease agreement between the County and the School Board and the County's financing obligations permit a sublease of the 2.43 acres and the parties have agreed to the terms of such a sublease.

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

1. That this Board hereby declines to purchase the said 2.43 acre portion of the School Property.
2. That this Board approves the proposed sublease of the 2.43 acres to Enka-Candler Fire & Rescue Department, Inc.

3. That this resolution be effective upon its adoption.

This the \_\_\_\_ of January, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman

APPROVED AS TO FORM

\_\_\_\_\_  
County Attorney