

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

RESOLUTION AUTHORIZING EXECUTION OF EASEMENT AGREEMENT TO  
METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY, NORTH CAROLINA ["MSD"]

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- WHEREAS, pursuant to NCGS §160A-273 a county has the authority to grant easements over, through, under, or across any county property;
- WHEREAS, Buncombe County is the owner of certain real property more particularly described in a deed recorded in Deed Book 5310, Page 500, Buncombe County Registry and Plat Book 50, Page 107 in said registry (the "Property"), having acquired the Property from the County of Henderson;
- WHEREAS, the County of Henderson acquired the Property from the City of Asheville by deed recorded in Deed Book 2852, Pages 775-777, in said registry;
- WHEREAS, during its ownership of the Property, the City conveyed easements to the County for the construction, operation and maintenance of a sewer line and for a roadway, as described in Deed Book 1474 at Page 525, in said registry, and the County constructed the sewer line and accessories including a sewer pump station from which wastewater is piped under the French Broad River, and the roadway;
- WHEREAS, MSD, as a part of sewer system consolidation in 1990, acquired the sewer line, pump station, accessories, and easements therefor, including the easement for the roadway, from the County, and MSD has operated and maintained these facilities since that time;
- WHEREAS, MSD employed a surveyor to survey the as-built locations of these facilities and the easements, and in some places, the sewer line, pump station and roadway are not located within the easements described in Deed Book 1474 at Page 525;
- WHEREAS, having an accurately described easement for the sewer line, pump station and roadway is essential for MSD to operate and maintain the sewer line and pump station in accord with applicable law and regulation; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to grant such a new easement to MSD for these purposes.

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

1. That the Chairman and County Manager, or either of them, are hereby authorized to execute an Easement Agreement granting to Metropolitan Sewerage District of Buncombe County, North Carolina Permanent Easements, a Roadway Easement, and to abandon and release to the County and its successors in interest, the easements described in said Deed Book 1474 at Page 525, a copy of which Easement Agreement is

attached hereto.

2. All acts and doings of officers, employees and agents of the County that are in conformity with the purposes and intents of this Resolution and in the furtherance of the intents and purposes of this Resolution as described above shall be, and the same hereby are, in all respects approved and confirmed.
3. All resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
4. That this resolution shall be effective upon its adoption.

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

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

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

APPROVED AS TO FORM

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