

Resolution Authorizing the Execution of an Interlocal Agreement with
the City of Asheville for Administering and Managing the North RAD
Section Greenway Funded by the Federal Highway Administration
Surface Transportation Block Grant Match

- WHEREAS, Buncombe County has been a destination for outdoor enthusiasts who have enjoyed the region's trails and outdoor recreation for more than a century;
- WHEREAS, all of Buncombe County is experiencing a growing expectation for facilities that provide for movement of pedestrians and bicyclists, not just for recreational purposes but for transportation, running errands, relieving stress and offsetting the effects of obesity, attracting new businesses, and making communities more livable and marketable;
- WHEREAS, in 2016, Buncombe County applied for and was awarded a \$300,000 Surface Transportation Block Grant-Direct Attributable (STBGDA) to be used for the preliminary engineering phase for a 1.1 mile section of the City's North RAD Greenway Project from Hill Street to SR 1781 (the "Project"); and
- WHEREAS, in 2017, Buncombe County approached the City of Asheville (City) and asked if it would be interested in administering and managing the Project and the City was so interested; and
- WHEREAS, the STBGDA grant requires a \$60,000 local match, two-thirds of which will be funded by the City and Connect Buncombe, a local non-profit; and
- WHEREAS, the County desires to donate the remaining one-third (\$20,000) of that match to the City; and
- WHEREAS, on August 28, 2018, the City Council passed Resolution No. 18-217, authorizing the City Manager to accept donated local match funds from the County and Connect Buncombe, to enter into a donation agreement wherein the City would agree to administer and manage the undertaking, and to enter into the STBGDA grant agreement with the North Carolina Department of Transportation (herein "NCDOT"); and
- WHEREAS, the County and City now desire to enter into an interlocal agreement hereinafter referred to as the "Donation Agreement" enabling the County to provide its local match funds to the City;
- WHEREAS, N.C. Gen. Stat. § 160A-461 allows units of local government to enter into agreements to execute such an undertaking.

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

1. That it hereby authorizes the execution of an Interlocal Agreement with the City of Asheville for the Administration and Management of the North RAD Section Greenway Funded by the Federal Highway Administration Surface Transportation Block Grant Match.
2. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and 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 County staff is specifically authorized and instructed to ensure that the Donation Agreement contains a provision requiring the City of Asheville to return the \$20,000 STBGDA grant match provided by the County in the event that either (i.) no work has begun on the Project within three (3) years of the date of the execution of the Donation Agreement or (ii.) The City of Asheville returns the STBGDA funds for the Project.
4. That the Board Chair and County Manager, or either of them, or their designee, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this resolution.
5. That this resolution shall become effective upon its adoption.

This the ____ of _____, 2019.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chair

APPROVED AS TO FORM

County Attorney