

Resolution #: \_\_\_\_\_

RESOLUTION IN SUPPORT OF FUNDING ADDITIONAL COSTS ASSOCIATED WITH THE CONSTRUCTION OF THE ENKA ACCESS ROAD CONNECTING THE SMOKEY PARK BRIDGE WITH JACOB HOLM WAY

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WHEREAS, Fletcher Partners is a principal amongst the group of development partners that is working to develop Enka Commerce Park;

WHEREAS, in 2015 the County arranged funding and the construction of a bridge over Hominy Creek from US 19, Smokey Park Highway, and to the northern area of Enka Commerce Park;

WHEREAS, a roadway has been constructed as development occurred extending from Sand Hill Road to the area of Enka Youth Sports Organization;

WHEREAS, the County has been assisting with interested parties to complete the road infrastructure between Smokey Park Bridge and existing Jacob Holm Way lying generally along the western boundary of the Enka Youth Sports Organization ballfields (herein the "Project") for the public benefit as such roadway will benefit Enka Intermediate School, the future Enka Fire Substation, existing industrial tenants (including Haakon who considered this road as critical to their location decision) and promote further Economic Development in the area;

WHEREAS, the County has secured \$1.3M from NC Department of Transportation ("DOT") and \$2M from Appalachian Regional Commission (herein referred to as "ARC") to complete this roadway connection and the NC Department of Transportation estimates that another \$1M in funding is required;

WHEREAS, pursuant to N.C. Gen. Stat. §153A-11, the County has the authority to enter into agreements with other entities, and pursuant to N.C. Gen. Stat. §153A-449 a county may contract with and appropriate money to any person, association, or corporation, in order to carry out any public purpose that the county is authorized by law to engage in. Pursuant to Pursuant to N.C. Gen. Stat. §136-98, is authorized to participate in the cost of rights-of-way, construction, reconstruction, improvement, or maintenance of a road on the State highway system under agreement with the Department of Transportation. Pursuant to N.C. Gen. Stat. §136-51 a county may participate in the cost of rights-of-way, construction, reconstruction, improvement, or maintenance of a road on the State highway system under agreement with the Department of Transportation.

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

1. That the Buncombe County Board of Commissioners supports the completion of Jacob Holm Way, Walk Off Way and the connection of these roads to Smokey Park Highway via the new bridge infrastructure and the acceptance of the same by the North Carolina Department of Transportation into its system of roads and highways.
2. The Board of Commissioners approves the budget amendment allocating funding for the \$1M additional costs.

3. The Board of Commissioners approves the agreement with Fletcher Partners defining the cost share for the \$1M additional costs.
4. The Board of Commissioners authorizes the County Manager to enter into a Reimbursable Agreement with DOT so that any unused funds will be returned to Buncombe County and/or Fletcher Partners.
5. That this resolution be effective upon adoption.

Adopted this \_\_\_\_ day of February, 2020.

ATTEST

BOARD OF COMMISSIONERS  
FOR THE COUNTY OF BUNCOMBE

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

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

APPROVED AS TO FORM

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