

**RESOLUTION DECLARING PORTION OF EMMA ELEMENTARY SCHOOL
SURPLUS FOR POTENTIAL LONG-TERM LEASE**

WHEREAS, the Buncombe County Board of Education (hereinafter "Board") owns certain real property being approximately 13.71 acres located at 37 Brickyard Rd, Asheville, NC, and being generally described as the Emma Elementary School campus;

WHEREAS, the Board desires to enter a long-term lease for a portion of the Emma Elementary School campus (the "Property"), the Property being more particularly described in Exhibit A, to allow for the construction and operation of an early childhood care facility;

WHEREAS, N.C. Gen. Stat. § 115C-518 provides that when, in the opinion of the Board, the use of any building site or other real property or personal property owned by the Board is unnecessary for public school purposes, the Board may dispose of such property according to the procedures prescribed in Article 12 of Chapter 160A of the North Carolina General Statutes;


WHEREAS, it is not the intent of the Board to dispose of all interest it has in the Property, rather it is the intent only to enter into a long-term lease of the Property; and

WHEREAS, the Board is a governmental unit of local government as defined in N.C. Gen. Stat. § 160A-274.

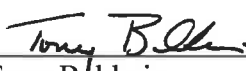
NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. That the Property is declared surplus;
2. That the Superintendent is authorized to offer, for appropriate consideration, the Property to the Buncombe County Board of Commissioners for a long-term lease, as prescribed in N.C. Gen. Stat. § 115C-518; and
3. That if the Buncombe County Board of Commissioners choose not to lease the Property, the Superintendent and Chair are authorized to take any other actions necessary to lease the Property in any manner permitted by Article 12 of North Carolina General Statute 160A.
4. That the Board of Education reserves the right to reject any and all offers to lease the Property, and any offer is subject to final approval by the Board of Education.

READ, APPROVED AND ADOPTED, THIS THE 5th DAY OF DECEMBER 2019.

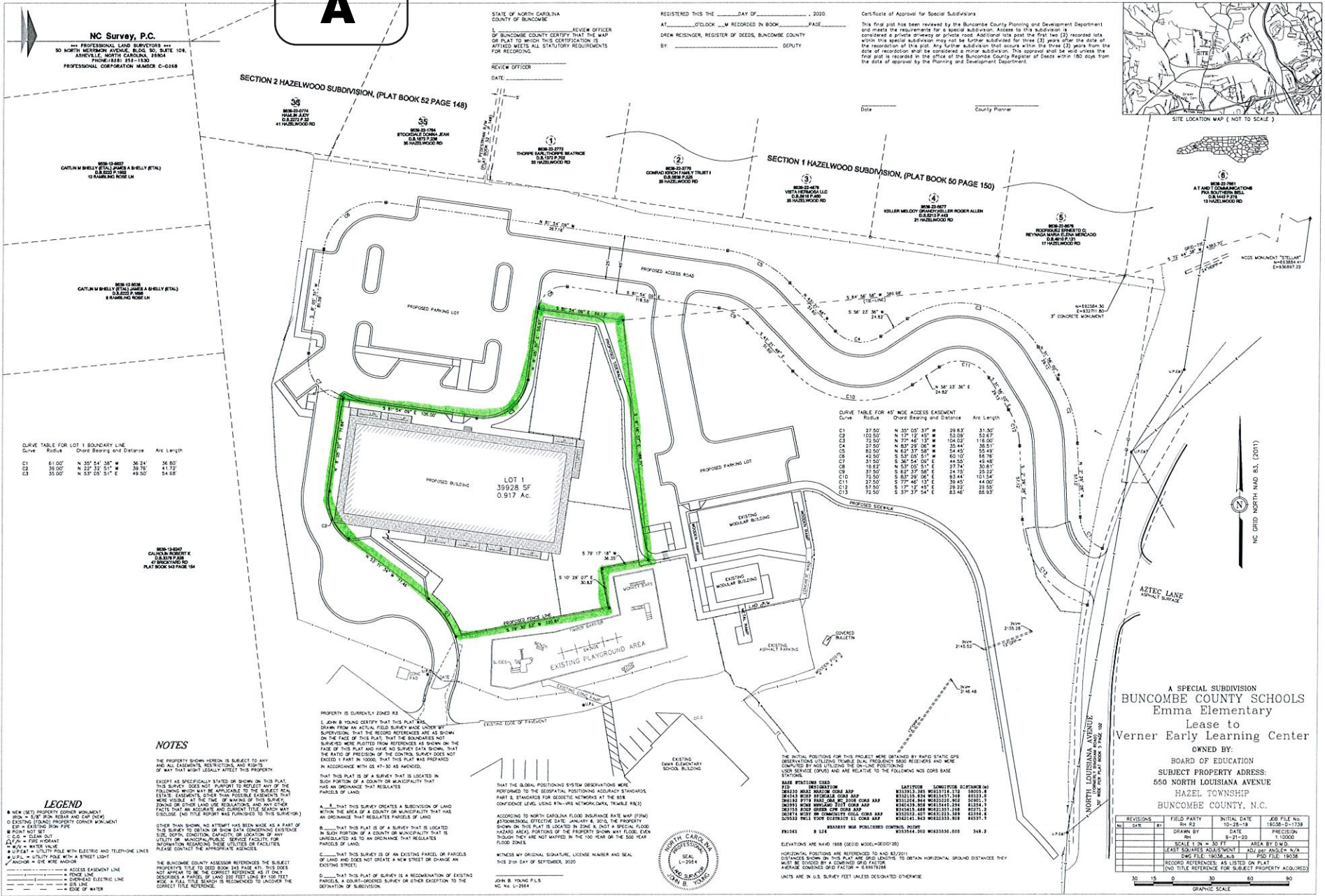


Ann B. Franklin,
Board Chair



Dr. Tony Baldwin,
Superintendent and Ex-Officio Secretary

EXHIBIT A



NC Survey, P.C.
 PROFESSIONAL LAND SURVEYORS
 50 NORTH HERRON AVENUE, SUITE NO. 104
 ASHEVILLE, NORTH CAROLINA 28804
 PHONE: (813) 318-1330
 PROFESSIONAL CORPORATION NUMBER C-0168

STATE OF NORTH CAROLINA
 COUNTY OF BUNCOMBE

I, _____ REVIEW OFFICER
 OF BUNCOMBE COUNTY CERTIFY THAT THE MAP
 OR PLAN TO WHICH THIS CERTIFICATION IS
 AFFIXED MEETS ALL STATUTORY REQUIREMENTS
 FOR RECORDING.

REVIEW OFFICER: _____
 DATE: _____

REGISTERED THIS THE _____ DAY OF _____, 2020
 AT _____ O'CLOCK _____ M RECORDED IN BOOK _____ PAGE _____
 DREW REISINGER, REGISTER OF DEEDS, BUNCOMBE COUNTY
 BY _____ DEPUTY

Certificate of Approval for Special Subdivisions

This final plat has been reviewed by the Buncombe County Planning and Development Department and meets the requirements for a special subdivision. Access to this subdivision is provided by private driveway or private road. Additional lots past the first two (2) recorded lots which this special subdivision is a further subdivision for lots (3) were after the date of the recording of this plat. Any further subdivision that occurs within the three (3) years from the date of recording shall be considered a minor subdivision. This approval will be void unless the final plat is recorded in the office of the Buncombe County Register of Deeds within 180 days from the date of approval by the Planning and Development Department.

Date: _____ County Planner: _____



CURVE TABLE FOR LOT 1 BOUNDARY LINE

| Curve | Radius | Chord Bearing and Distance | Arc Length |
|-------|--------|----------------------------|------------|
| C1 | 61.00 | N 35° 54' 34" W 36.24 | 36.80 |
| C2 | 33.00 | N 33° 22' 51" E 39.76 | 41.22 |
| C3 | 33.00 | N 57° 05' 51" E 49.30 | 54.68 |

CURVE TABLE FOR 45' WIDE ACCESS EASEMENT

| Curve | Radius | Chord Bearing and Distance | Arc Length |
|-------|--------|----------------------------|------------|
| C1 | 27.50 | N 35° 05' 37" W 29.83 | 31.30 |
| C2 | 100.00 | N 17° 12' 45" W 102.08 | 102.67 |
| C3 | 75.00 | N 77° 29' 08" W 104.02 | 116.00 |
| C4 | 27.50 | N 82° 29' 08" W 35.44 | 36.51 |
| C5 | 43.00 | S 53° 05' 51" W 60.10 | 66.76 |
| C6 | 43.00 | S 37° 54' 02" E 60.10 | 66.76 |
| C7 | 18.82 | N 53° 05' 51" E 27.74 | 30.81 |
| C8 | 18.82 | S 37° 54' 02" E 27.74 | 28.37 |
| C9 | 75.00 | S 83° 29' 08" E 83.44 | 101.54 |
| C10 | 37.50 | S 77° 46' 13" E 39.65 | 44.00 |
| C11 | 37.50 | S 17° 12' 45" E 28.22 | 28.55 |
| C12 | 75.00 | S 37° 29' 54" E 83.46 | 88.93 |

NOTES

THE PROPERTY SHOWN HEREIN IS SUBJECT TO ANY AND ALL EXISTING EASEMENTS, RIGHTS, AND RIGHTS OF WAY THAT MIGHT AFFECT THIS PROPERTY.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE AVAILABLE TO THE SUBJECT REAL ESTATE: EASEMENTS OTHER THAN POSITIVE EASEMENTS THAT WERE EXISTING AT THE TIME OF MAKING OF THIS SURVEY; COVENANTS, CONDITIONS, RESTRICTIONS, AND ANY OTHER FACTS THAT AFFECT OR RELATE TO, AND ANY OTHER COVENANTS, CONDITIONS, RESTRICTIONS, AND ANY OTHER FACTS THAT AFFECT OR RELATE TO, THE SUBJECT REAL ESTATE; OR OTHER LAND OR INTERESTS IN ANY OTHER JURISDICTION.

OTHER THAN SHOWN, NO ATTEMPT HAS BEEN MADE AS A PART OF THIS SURVEY TO DETERMINE OR SHOW DATA CONCERNING EXISTING USE, OCCUPANCY, CONDITION, CAPACITY, OR LOCATION OF ANY UTILITY OF MUNICIPAL/PUBLIC SERVICE FACILITY FOR INFORMATION REGARDING THESE UTILITIES OR FACILITIES. PLEASE CONTACT THE APPROPRIATE AGENCIES.

THE BUNCOMBE COUNTY ASSessor REFERENCES THE SUBJECT PROPERTY'S TITLE TO DEED BOOK 148 PAGE 474. THIS DOES NOT APPEAR TO BE THE CORRECT REFERENCE AS IT ONLY DESCRIBES A PARCEL OF LAND 250 FEET LONG BY 100 FEET WIDE. A FULL TITLE SEARCH IS RECOMMENDED TO OBTAIN THE CORRECT TITLE REFERENCE.

PROPERTY IS CURRENTLY ZONED R3

I, JOHN B. YOUNG CERTIFY THAT THIS PLAT WAS DRAWN FROM AN ACTUAL FIELD SURVEY MADE UNDER MY SUPERVISION, THAT THE RECORD REFERENCES ARE AS SHOWN ON THE FACE OF THIS PLAT, THAT THE BOUNDARIES AND SURVEYED WERE PLOTTED FROM REFERENCES AS SHOWN ON THE FACE OF THIS PLAT AND HAVE NO SURVEY DATA SHOWN, THAT THE RATIO OF PRECISION OF THE CONTROL SURVEY DOES NOT EXCEED 1 PART IN 10,000, THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH GS 47-30 AS AMENDED.

THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SOME PORTION OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

ALL THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

ALL THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SOME PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

ALL THAT THIS PLAT IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

ALL THAT THIS PLAT IS OF A RECONSTRUCTION OF EXISTING PARCELS, A CONTIGUOUS SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THE GLOBAL POSITIONING SYSTEM OBSERVATIONS WERE PERFORMED TO THE GEOSPATIAL POSITIONING ACCURACY STANDARDS PART 3 STANDARDS FOR GEODETIC NETWORKS AT THE 6TH CONFERENCE LEVEL USING RTK-WHERE NETWORKING (TRIMBLE REX) AUTONOMOUS EFFECTIVE DATE JANUARY 6, 2020. THE PROPERTY SHOWN ON THIS PLAT IS LOCATED IN ZONE 18Q2 A SPECIAL HAZARDOUS AREA PORTION OF THE PROPERTY SHOWN WAY FLOOD, EVEN IF THEY ARE NOT SHOWN IN THE 100 YEAR OR 500 YEAR FLOOD ZONES.

WITNESS MY HAND AND SIGNATURE, LICENSE NUMBER AND SEAL THIS 21st DAY OF SEPTEMBER, 2020

JOHN B. YOUNG, P.L.S.
 NC No. L-2844



THE INITIAL POSITIONS FOR THIS PROJECT WERE OBTAINED BY RADIO STATIC GPS OBSERVATIONS UTILIZING TRIMBLE DUAL FREQUENCY SAGG RECEIVERS AND WERE COMPARSED TO THE STATE PLATE CENTER POINT POSITIONING SERVICE (COPS) AND ARE RELATIVE TO THE FOLLOWING NGS COPS BASE STATIONS:

| BASE STATION ID | STATE | STATE ID | STATE ID | STATE ID |
|-----------------|-------|----------|----------|----------|
| 28141 | NC | 001 | 001 | 001 |
| 28142 | NC | 001 | 001 | 001 |
| 28143 | NC | 001 | 001 | 001 |
| 28144 | NC | 001 | 001 | 001 |
| 28145 | NC | 001 | 001 | 001 |
| 28146 | NC | 001 | 001 | 001 |
| 28147 | NC | 001 | 001 | 001 |
| 28148 | NC | 001 | 001 | 001 |
| 28149 | NC | 001 | 001 | 001 |
| 28150 | NC | 001 | 001 | 001 |
| 28151 | NC | 001 | 001 | 001 |
| 28152 | NC | 001 | 001 | 001 |
| 28153 | NC | 001 | 001 | 001 |
| 28154 | NC | 001 | 001 | 001 |
| 28155 | NC | 001 | 001 | 001 |
| 28156 | NC | 001 | 001 | 001 |
| 28157 | NC | 001 | 001 | 001 |
| 28158 | NC | 001 | 001 | 001 |
| 28159 | NC | 001 | 001 | 001 |
| 28160 | NC | 001 | 001 | 001 |
| 28161 | NC | 001 | 001 | 001 |
| 28162 | NC | 001 | 001 | 001 |
| 28163 | NC | 001 | 001 | 001 |
| 28164 | NC | 001 | 001 | 001 |
| 28165 | NC | 001 | 001 | 001 |
| 28166 | NC | 001 | 001 | 001 |
| 28167 | NC | 001 | 001 | 001 |
| 28168 | NC | 001 | 001 | 001 |
| 28169 | NC | 001 | 001 | 001 |
| 28170 | NC | 001 | 001 | 001 |
| 28171 | NC | 001 | 001 | 001 |
| 28172 | NC | 001 | 001 | 001 |
| 28173 | NC | 001 | 001 | 001 |
| 28174 | NC | 001 | 001 | 001 |
| 28175 | NC | 001 | 001 | 001 |
| 28176 | NC | 001 | 001 | 001 |
| 28177 | NC | 001 | 001 | 001 |
| 28178 | NC | 001 | 001 | 001 |
| 28179 | NC | 001 | 001 | 001 |
| 28180 | NC | 001 | 001 | 001 |
| 28181 | NC | 001 | 001 | 001 |
| 28182 | NC | 001 | 001 | 001 |
| 28183 | NC | 001 | 001 | 001 |
| 28184 | NC | 001 | 001 | 001 |
| 28185 | NC | 001 | 001 | 001 |
| 28186 | NC | 001 | 001 | 001 |
| 28187 | NC | 001 | 001 | 001 |
| 28188 | NC | 001 | 001 | 001 |
| 28189 | NC | 001 | 001 | 001 |
| 28190 | NC | 001 | 001 | 001 |
| 28191 | NC | 001 | 001 | 001 |
| 28192 | NC | 001 | 001 | 001 |
| 28193 | NC | 001 | 001 | 001 |
| 28194 | NC | 001 | 001 | 001 |
| 28195 | NC | 001 | 001 | 001 |
| 28196 | NC | 001 | 001 | 001 |
| 28197 | NC | 001 | 001 | 001 |
| 28198 | NC | 001 | 001 | 001 |
| 28199 | NC | 001 | 001 | 001 |
| 28200 | NC | 001 | 001 | 001 |

ELEVATIONS ARE NAVD 83 (GEOID NOG14=000120)

HORIZONTAL POSITIONS ARE REFERENCED TO NAD 83/2011

DISTANCE SHOWN ON THIS PLAT AND GRID LENGTHS TO OBTAIN HORIZONTAL GROUND DISTANCES THEY MUST BE DIVIDED BY A CORRECTED GRID FACTOR

AREAS COMPUTED GRID FACTOR = 0.999704

UNITS ARE IN U.S. SURVEY FEET UNLESS DESIGNATED OTHERWISE

A SPECIAL SUBDIVISION
BUNCOMBE COUNTY SCHOOLS
 Emma Elementary
 Lease to
 Verner Early Learning Center

OWNED BY:
 BOARD OF EDUCATION
 SUBJECT PROPERTY ADDRESS:
 850 NORTH LOUISIANA AVENUE
 HAZEL TOWNSHIP
 BUNCOMBE COUNTY, N.C.

| NO. | DATE | BY | REVISIONS | FIELD PARTY | INITIAL DATE | JOB FILE NO. |
|-----|---------|----|-----------|-------------|--------------|--------------|
| 1 | 8-21-20 | | | 10-28-18 | 19008-201708 | |
| 2 | 8-21-20 | | | 11-05-20 | | |

SCALE 1" = 30 FT AREA BY DWS
 LEAST SQUARES ADJUSTMENT AND SEE ANGLE N7A
 DATE FILE: 10/28/18 JOB 19008 FILE: 19008
 RECORD REFERENCES AS LISTED ON PLAT
 (NO TITLE REFERENCE FOR SUBJECT PROPERTY ACCORDING)

30 15 0 30 60 90
 GRAPHIC SCALE

September 28, 2020

Avril Pender
County Manager
200 College Street, Suite 300
Asheville, NC 28801

Dear Ms. Pender:

Re: Emma Elementary School- Surplus Property Resolution

This firm represents the Buncombe County Board of Education. On December 5, 2019, the Board of Education adopted a resolution declaring a portion of the real property located at the Emma Elementary School as surplus property. The property is more particularly described in the survey attached hereto as Exhibit A. The Board has entered into a Memorandum of Understanding with the Verner Center for Early Learning to operate an early childhood learning facility on this property, and now desires to enter into a long-term lease agreement to allow for the construction and operation of the facility.

In accordance with North Carolina General Statute § 115C-518(a), the Board of Education is required to offer the property to the County prior to entering into a lease for more than 10 years. The statute states:

When any real property to which the board holds title is no longer suitable or necessary for school purposes, the board of county commissioners in which the property is located shall be afforded the first opportunity to obtain the property. The board of education shall offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards.

I am requesting that you place this item on the Commissioners' agenda to discuss and to determine whether the County wants to purchase the property described in Exhibit A or allow the Board of Education to enter into a long-term lease as outlined in Article 12 of Chapter 160A of the General Statutes.

I have attached a copy of the Board's resolution for your information, as well as a draft resolution for the Commission's consideration. If you have any questions, please do not hesitate to contact me.

Ms. Avril Pender
September 28, 2020
p.2

Best regards,

CAMPBELL SHATLEY, PLLC

A handwritten signature in blue ink, reading "John F. Henning, Jr.", written in a cursive style.

John F. Henning, Jr.

Encl: Board Surplus Property Resolution
Proposed County Resolution w/ Exhibit

Cc: Mr. Michael Frue
Ms. Susanne Swanger