

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

Resolution Authorizing the Grant of a Secondary Road Right of Way for a  
Certain Parcel Near Jacob Holm Way in Upper Hominy Township to NCDOT

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WHEREAS, N.C. Gen. Stat. § 160A-274 authorized counties to grant easements over, through, under, or across any county property and N.C. Gen. Stat. § 160A-273 authorizes counties to transfer any interest in real property to another governmental unit, such as the North Carolina Department of Transportation (hereinafter "NCDOT"), upon such terms and conditions as it deems wise, with or without consideration, and;

WHEREAS, Buncombe County is the owner of an approximately 233 square foot parcel of property located near Jacob Holm Way at the at Enka Commerce Park in Upper Hominy Township. Said parcel is identified as "R/W AREA 3" and more particularity described in Exhibit A attached hereto, which is a survey entitled "Right of Way Exhibit for North Carolina Department of Transportation at Enka Commerce Park," prepared by Ed Holmes & Associates Land Surveyors, PA, reference to said survey is hereby made for purposes of description of said parcel ("hereinafter referred to as the "Property"), and;

WHEREAS, this Board finds that it would be in the best interest of the County for NCDOT to assume responsibility for the maintenance of all or a portion of Jacob Holm Way in Upper Hominy Township, including that portion within the Enka Commerce Park, and;

WHEREAS. In order for NCDOT to assume such responsibility, the County must grant to NCDOT a secondary road right of way for the Property.

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

1. That the Chairperson is hereby authorized to execute such documents as may be required to effect the purposes and intents of this Resolution, including the Secondary Road Right of Way Agreement for the Property attached hereto as Exhibit B.
2. That, by and with the consent of the County Legal Department, County staff is hereby authorized 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 any prior 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 become effective upon its adoption.

This the 4<sup>th</sup> day of November, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

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

By: \_\_\_\_\_  
Brownie Newman, Chairperson

APPROVED AS TO FORM

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