

Resolution #: _____

**RESOLUTION AUTHORIZING GRANT OF EASEMENTS TO
METROPOLITAN SEWERAGE DISTRICT OF BUNCOMBE COUNTY
AND
TOWN OF BLACK MOUNTAIN**

WHEREAS, a county has authority to grant easements over, through, under, or across any of its property pursuant to GS §160A-273;

WHEREAS, on or about April 18, 2017 this Board entered into an economic development agreement with Avadim Technologies, Inc., (hereinafter sometimes "Avadim"), for the development of a project investing at least Twenty Million Four Hundred Thousand and No/100 (\$20,400,000.00) Dollars and expected to create 551 new full-time jobs that pay an annual average wage of \$50,946, not including benefits;

WHEREAS, Avadim was able to secure grant funding for the construction and installation of water and sewer infrastructure on the site and the granting agency required that the County own the grant easement during the construction period as a form of security;

WHEREAS, construction of these utility improvements is complete and the sewage systems have been approved by the Metropolitan Sewerage District of Buncombe County ("MSD") and the water lines have been installed to specifications of the Town of Black Mountain (the "Town"); and

WHEREAS, the County has now fulfilled its commitments as to these infrastructure improvements and this Board finds that it is in order for the County to convey its easements for these sewer systems to MSD and the water line easement to the Town.

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

1. That the Chair and County Manager, or either of them, be and is hereby authorized to execute a sewer system and easement area to the Metropolitan Sewerage District of Buncombe County and to execute the Construction and Permanent Easement Areas for Water Lines and Water Related Improvements to the Town of Black Mountain (copies of which are included in the agenda packet with this Resolution).
2. The Chair and County Manager, or either of them, are hereby authorized, empowered and directed, with the consent of the Legal & Risk Department, to do any and all other acts and to execute any and all other documents, which are deemed necessary and appropriate in order to consummate the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
3. 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.

4. This Resolution is effective upon its adoption.

This the ____ of November, 2020.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk to the Board

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney

Exhibit A

See attached Economic Development Agreement