

RESOLUTION # _____

RESOLUTION AUTHORIZING EXECUTION OF MEMORANDUM OF STREET ACCEPTANCE AND ENCROACHMENT AGREEMENT TO THE CITY OF ASHEVILLE

WHEREAS, Buncombe County is the owner of land located in the City of Asheville and shown on Buncombe County Tax Records as PIN: 9657-43-3150, and described in deed recorded in Book 5157, Page 1162, Buncombe County Registry (the "Property");

WHEREAS, the County constructed a street on the Property denominated as "Sweeten Creek Industrial Park Road" and "GE ACCESS Road," as same are set forth and described on plat recorded in Plat Book 220, at Page 50 in said registry (herein "Subject Street");

WHEREAS, the County has dedicated the Subject Street to the City of Asheville for acceptance as a public street, and has applied for the Subject Street to be accepted by the City and limited to use by the City's Public Works department in the course and scope of any and all work necessary and appropriate to maintain and clear said Subject Street;

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

WHEREAS, the City is requesting that the County execute a Memorandum of Street Acceptance and an Encroachment Agreement, copies of which are attached hereto; and

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to execute such documents for the mutual benefit of the City and the County.

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

1. That by and with the approval of County Legal Services, the Chairman and County Manager, or either of them, are hereby authorized to execute the attached Memorandum of Street Acceptance and an Encroachment Agreement.
2. That 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 this resolution shall be effective upon its adoption.

This the 5th of April, 2022.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney