

RESOLUTION # _____

RESOLUTION GRANTING AN EASEMENT TO
THE BUNCOMBE COUNTY BOARD OF EDUCATION

- WHEREAS, county governments are responsible for the capital needs for local public education systems pursuant to Ch. 115C of the North Carolina General Statutes;
- WHEREAS, The Buncombe County Board of Education conveyed the Enka Intermediate School property to the County of Buncombe by deed dated April 1, 2015 and recorded in Book 5300, Page 588 Buncombe County Registry (the "EIS property");
- WHEREAS, contemporaneously with that transfer, the Board of Education and the County entered into a Lease for the EIS property which included a provision indicating that at the end of said Lease term the County agreed to execute and deliver a Special Warranty Deed to the Board of Education transferring title of the EIS property;
- WHEREAS, the Lease term expired upon the filing of a Deed of Partial Release as to the EIS property filed on May 17, 2023 and recorded in Book 6319, Page 1529 Buncombe County Registry;
- WHEREAS, it is now in order to reconvey the EIS property to the Board of Education;
- WHEREAS, the County also owns property described in deed recorded in Book 5332, Page 1255 Buncombe County Registry ("County property");
- WHEREAS, this County property is adjacent to the EIS property and is home to the Enka Candler Fire and Rescue Department substation 3;
- WHEREAS, a secondary access road for the benefit of the school runs through this County property from the EIS property to Jacob Holm Way and this access way should be memorialized by recorded instrument;
- WHEREAS, pursuant to NCGS §160A-273, as applicable to counties in accordance with GS §153A-176, a county has the authority to grant easements over, through, under, or across any county property; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to grant The Buncombe County Board of Education an easement across this County property.

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

1. That the Chairman and the County Manager, or either of them, are hereby authorized to

execute a Special Warranty Deed including an easement for ingress and egress to the Enka Intermediate School property as described herein to The Buncombe County Board of Education.

2. That this resolution shall be effective upon its adoption.

This the 7th day of November, 2023.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Lamar Joyner, Clerk

By: _____
Brownie Newman, Chairman

APPROVED AS TO FORM

County Attorney