

RESOLUTION NO. _____

**RESOLUTION AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT RELATED TO
THE NCDOT SAFE ROUTES TO SCHOOL PROGRAM
FOR A SIDEWALK TO SERVE CHARLES D. OWEN MIDDLE SCHOOL**

- WHEREAS, Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU), provides federal funding for certain specified transportation activities related to Safe Routes to School; and
- WHEREAS, the NCDOT has set aside funding up to the amount of \$100,000 to construct a sidewalk along Old U.S. Highway 70 from Eastwood Avenue to serve the Charles D. Owen Middle School; and
- WHEREAS, the NCDOT will prepare documents related to the planning and design of the sidewalk, will acquire all necessary rights-of-way, and will construct the project in accordance with state and federal requirements;
- WHEREAS, Buncombe County must agree to maintain the sidewalk at its own expense after construction is completed to ensure the protection of federal funding invested in the Safe Routes to School sidewalk; and
- WHEREAS, the health and safety of children is of highest concern to the Board of Commissioners and the citizens of Buncombe County, and the Safe Routes to School Program and this project will help remove barriers to walking to Charles D. Owen Middle School; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the County to enter into this Agreement.

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

1. That the Chairman be and he is hereby authorized to execute the Transportation Improvement Project Agreement with the NCDOT to maintain the Safe Routes to School sidewalk project serving the Charles D. Owen Middle School.
2. That the County Manager or her designee be and they are hereby authorized to negotiate and execute a subcontract to maintain said sidewalk, or execute a Memorandum of Understanding with the Town of Black Mountain to perform any future maintenance required.
3. That this Resolution shall be effective upon its adoption.

Adopted this _____ day of _____, 2013.

ATTEST:

BOARD OF COMMISSIONERS
FOR THE COUNTY OF BUNCOMBE

Kathy Hughes, Clerk to the Board

By: _____
David Gantt, Chairman

APPROVED AS TO FORM:

Michael C. Frue, County Attorney