

REQUEST FOR BOARD ACTION

MEETING DATE: January 3, 2005

SUBJECT: Request for Consent to Acquire Property in Henderson County

ATTACHMENTS: GIS Map and Property Record Card
Map from Airport
N.C.G.S. § 153A-15

SUMMARY OF REQUEST:

The Asheville Airport has requested the consent of the Board of Commissioners to purchase approximately 1.5 acres of property in Henderson County. The property fronts on Highway 280, and lies between J & S Cafeteria and the Fairfield Inn. A map showing the properties is attached for your consideration. The purchase price for the properties to be paid by the Airport Authority is \$795,000. Once purchased, the property will be titled in the name of the City of Asheville, as is all of the other airport property.

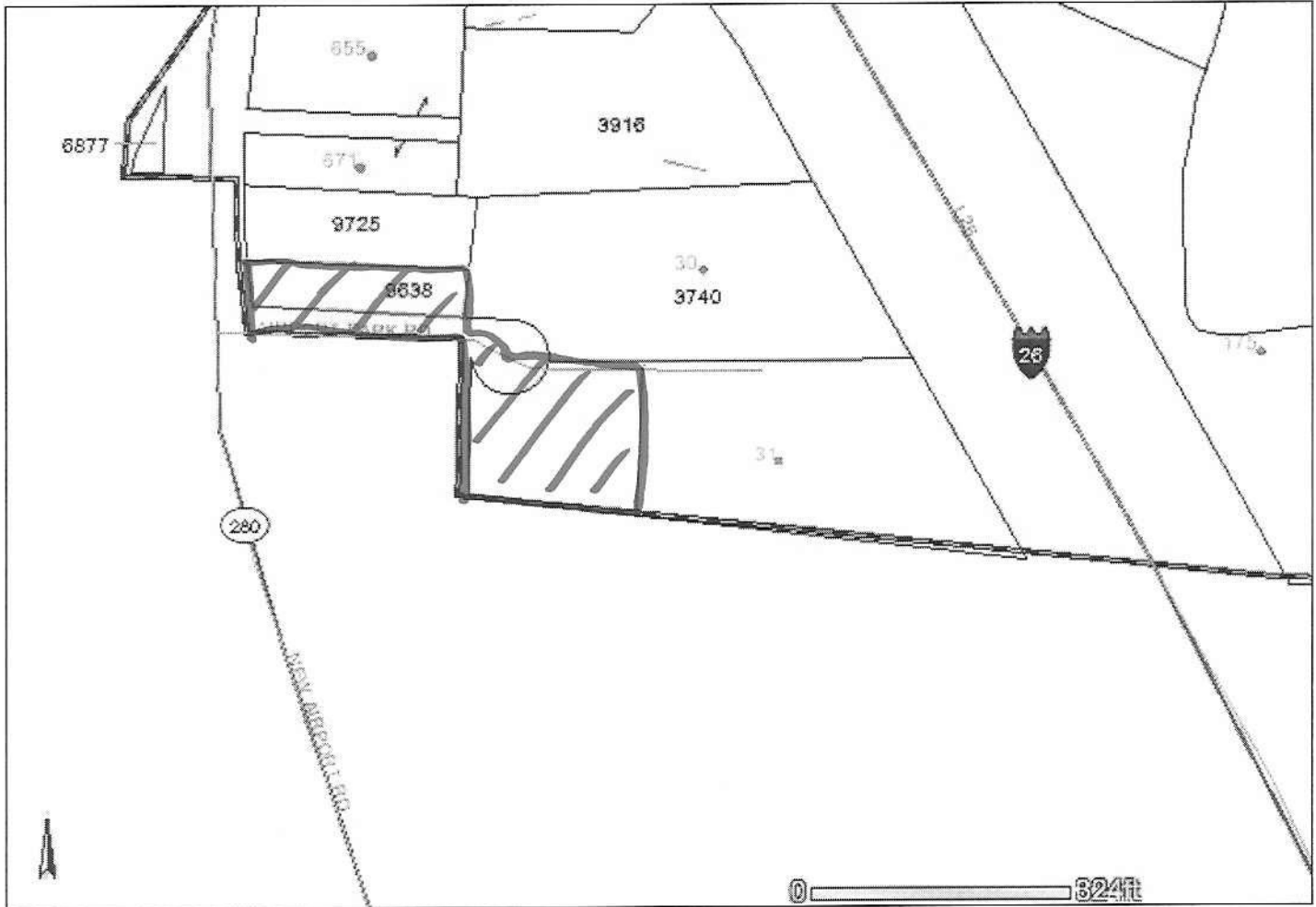
Pursuant to N.C.G.S. § 153A-15, before a municipal government located outside of Henderson County acquires property within Henderson County, they must obtain the consent of the Henderson County Board of Commissioners. It would be appropriate for the Board to consider upon what terms the Board may be willing to give consent for this purchase.

It should be noted that there are 3 properties in Henderson County which were purchased by the Airport Authority in the 1990s, after Henderson County was added to the legislation, for which no consent was given. The Airport Authority was unaware of the requirement at the time. It would also be appropriate for the Board to consider what, if any, impact these parcels have on the Airport Authority's current request for the Board's consent.

COUNTY MANAGER'S RECOMMENDATION:

See attached recommendation and supporting documents.

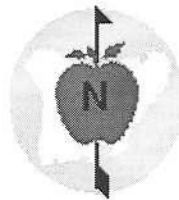
Henderson County Parcel Print Page



***WARNING: THIS IS NOT A SURVEY!

Date: 12/9/2004

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.



Rec	1
PIN	00964362963855
PID	9946677
NAME_1	MURPHY-WILSON INVESTMENT CO
NAME_2	
ADDRESS_1	PO BOX 6215
ADDRESS_2	
CITY	ASHEVILLE
ST	NC
ZIP	28816
PROP_DESC	SR3526 OFF AIRPORT RD
ACRES	0.36
MAP_SHEET	9643.04
NBR_BLDGS	0
DATEREC	5/1/1991
DB_PG	779/289
LAND_VAL	156800
BLDG_VAL	0
TOTAL_VAL	156800
NBHD_DESC	280VAIRPORT AREA
Subdivision	MURPHY-WILSON INVESTMENTS
SALE_PRICE	0
LANDUSE	100

N.C. Gen. Stat. § 153A-15

GENERAL STATUTES OF NORTH CAROLINA
Copyright © 2004 by Matthew Bender & Company, Inc.
a member of the LexisNexis Group.
All rights reserved.

*** STATUTES CURRENT THROUGH THE 2004 REGULAR SESSION ***
*** ANNOTATIONS CURRENT THROUGH MAY 31, 2004 ***

CHAPTER 153A. COUNTIES
ARTICLE 2. CORPORATE POWERS

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

N.C. Gen. Stat. § 153A-15 (2004)

§ 153A-15. Consent of board of commissioners necessary in certain counties before land may be condemned or acquired by a unit of local government outside the county

(a) Notwithstanding the provisions of Chapter 40A of the General Statutes or any other general law or local act conferring the power of eminent domain, before final judgment may be entered in any action of condemnation initiated by a county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county, whereby the condemnor seeks to acquire property located in the other county, the condemnor shall furnish proof that the county board of commissioners of the county where the land is located has consented to the taking.

(b) Notwithstanding the provisions of G.S. 153A-158, 160A-240.1, 130A-55, or any other general law or local act conferring the power to acquire real property, before any county, city or town, special district, or other unit of local government which is located wholly or primarily outside another county acquires any real property located in the other county by exchange, purchase or lease, it must have the approval of the county board of commissioners of the county where the land is located.

(c) This section applies to Alamance, Alleghany, Anson, Ashe, Bertie, Bladen, Brunswick, Burke, Buncombe, Cabarrus, Caldwell, Camden, Carteret, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Columbus, Craven, Cumberland, Currituck, Davidson, Davie, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hoke, Iredell, Jackson, Johnston, Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Montgomery, Nash, New Hanover, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, and Yancey Counties only.

(d) This section does not apply as to any condemnation or acquisition of real property or an interest in real property by a city where the property to be condemned or acquired is within the corporate limits of that city.

HISTORY: 1981, c. 134, ss. 1, 2; c. 270, ss. 1, 2; c. 283, ss. 1-3; c. 459, s. 1; c. 941, s. 1; 1981 (Reg. Sess., 1982), c. 1150, s. 1; 1989 (Reg. Sess., 1990), c. 973, s. 1; c. 1061, s. 1; 1991, c. 615, s. 3; 1991 (Reg. Sess., 1992), c. 790, s. 1; 1993 (Reg. Sess., 1994), c. 624, s. 1; c. 628, s. 1; 1995 (Reg. Sess., 1996), c. 681, s. 1; 1997-164, s. 1; 1997-263, s. 1; 1998-110, s. 1; 1998-217, s. 47; 1999-6, s. 1.

NOTES:

LOCAL MODIFICATION. --Anson, Bertie, Buncombe, Burke, Caldwell: 1989 (Reg. Sess., 1990), c. 1061, s. 2; Caswell: 1981, c. 941, s. 2; Cleveland, Davidson, Davie, Forsyth: 1989 (Reg. Sess.,

1990), c. 1061, s. 2; Granville: 1981, c. 941, s. 2; Kannapolis: 1997, c. 295; Martin, Montgomery: 1989 (Reg. Sess., 1990), c. 1061, s. 2; Person: 1981, c. 941, s. 2; Rowan, Transylvania: 1989 (Reg. Sess., 1990), c. 1061, s. 2; Vance, Warren: 1981, c. 941, s. 2; Wilkes: 1989 (Reg. Sess., 1990), c. 1061, s. 2; Town of Chapel Hill: 2004-119, s. 2.

EDITOR'S NOTE. --Sections 1 and 2 of Session Laws 1981, cc. 134 and 270, and ss. 1 through 3 of Session Laws 1981, c. 283, as amended by Session Laws 1981, cc. 459, 941, and 1150, and Session Laws 1989 (Reg. Sess., 1990), cc. 973, and 1061, have been codified as this section under the direction of the Revisor of Statutes.

For similar provisions pertaining to Cabarrus County, see Session Laws 1985, c. 194.

CASE NOTES

CITED in County of Johnston v. City of Wilson, 136 N.C. App. 775, 525 S.E.2d 826 (2000).

Service: **Get by LEXSTAT®**

Citation: **N.C.G.S. 153a-15**

View: Full

Date/Time: Thursday, December 9, 2004 - 12:46 PM EST

[About LexisNexis](#) | [Terms and Conditions](#)

Copyright © 2004 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

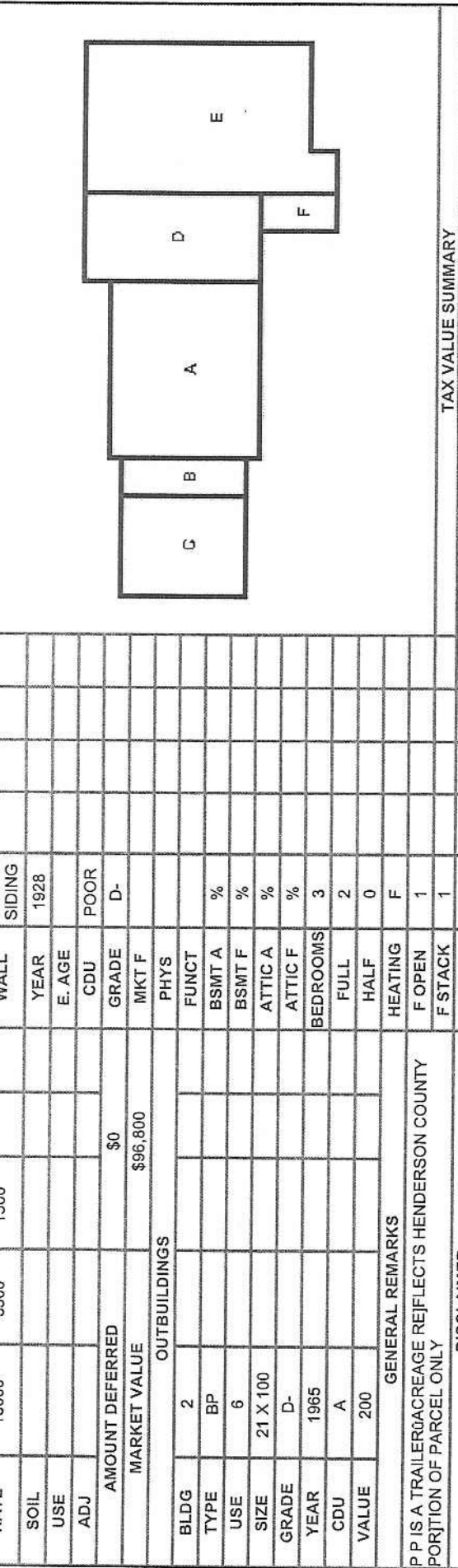
Henderson County Property Record Card																													
OWNERSHIP					NEIGHBORHOOD																								
CITY OF ASHEVILLE					1005 FLETCHER																								
P O BOX 7148					STATUS																								
ASHEVILLE NC 28802					ACTIVE																								
PROPERTY ADDRESS					LAND USE																								
PHYSICAL SITUS UNKNOWN					801																								
PROPERTY DESCRIPTION					BLDG #																								
ADJ FRENCH BROAD RIVER					NULL																								
LAND INFORMATION					APR ACRES																								
TAX DISTRICT					54.58																								
05 FLETCHER FIRE					DATE																								
CLASS					07/07/97																								
EX-1					ID																								
ACCCOUNT					SJ																								
87762					ESTIMATE																								
DOC ACRES					VISITATION DATA																								
54.58					DATE																								
					SOURCE																								
					VISIT CODE																								
					RV																								
BUILDING INFORMATION																													
SEG	1	2	3	4	5	SECTION	A	B	C	D	E	F	G	H	I	J													
TYPE	6					TYPE																							
ACRE	54.58					SQFT																							
SQFT						STORIES																							
RATE	3500					WALL																							
SOIL						YEAR																							
USE						E. AGE																							
ADJ	S-50					CDU																							
AMOUNT DEFERRED				\$0		GRADE																							
MARKET VALUE				\$95,500		MIKT F																							
OUTBUILDINGS										<p style="text-align: center; font-size: 24px; font-weight: bold;">No Buildings Present or No Image Available</p>																			
BLDG						PHYS																							
TYPE						FUNCT																							
USE						BSMT A	%																						
SIZE						BSMT F	%																						
GRADE						ATTIC A	%																						
YEAR						ATTIC F	%																						
CDU						BEDROOMS																							
VALUE						FULL																							
						HALF																							
GENERAL REMARKS																													
0-8-12-92-003WAS 52.2700-9]-05-9402GATE LOCKED																													
DISCLAIMER																													
This information is collected for inventory of property found within this jurisdiction and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned sources should be consulted for verification of the information contained in this report.																													
TAX VALUE SUMMARY																													
TOTAL BUILDING VALUE					LAND					COST					MARKET					INCOME									
\$0										\$95,500					\$0					\$0									
BUILDING REMARKS										BUILDINGS					TOTAL MARKET VALUE					TOTAL AMOUNT DEFERRED					TOTAL TAX VALUE				
										\$0					\$95,500					\$0					\$0				
										TOTAL MARKET VALUE					TOTAL AMOUNT DEFERRED					TOTAL TAX VALUE									
										\$0					\$95,500					\$0					\$0.00				

Henderson County Property Record Card

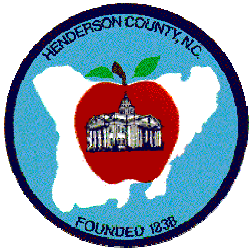
OWNERSHIP		CITY OF ASHEVILLE		PID		0700490		NEIGHBORHOOD		1005 FLETCHER		PAGE		1/1		DATE		12/9/2004			
P O BOX 7148		ASHEVILLE NC 28802		PIN		00-9843-15-9128-55		CYCLE		A		STATUS		ACTIVE		REVENUE STAMPS		711.00			
PROPERTY ADDRESS		260 PINNER RD		ANCESTOR		0		ZONING*		OU		LAND USE		801		VERIFIED SALE		10/25/93			
PROPERTY DESCRIPTION		SR3621 BRAN-RICK RD OFF		TAX DISTRICT		05 FLETCHER FIRE		ACCOUNT		87762		BLDG #		NULL		VISITATION DATA		DATE		10/25/93	
LAND INFORMATION		23.91		CLASS		EX-1		DOC ACRES		24.46		APR. ACRES		24.95		DATE		07/07/97		ESTIMATE	

SEG	1	2	3	4	5	SECTION	A	B	C	D	E	F	G	H	I	J
TYPE	9	6	21			TYPE	MA	EP	CP	FA	FA	TB				
ACRE	1.00	23.91	0.04			SQFT	672	120	320	392	892	72				
SQFT						STORIES	1.0	1.0								
RATE	13000	3500	1500			WALL	WOOD SIDING									
SOIL						YEAR	1928									
USE						E. AGE										
ADJ						CDU	POOR									
AMOUNT DEFERRED						GRADE	D-									
MARKET VALUE						MKT F										

BUILDING SKETCH (Open Full Page)



GENERAL REMARKS		P P IS A TRAILER/ACREAGE REFLECTS HENDERSON COUNTY PORTION OF PARCEL ONLY	
DISCLAIMER		This information is collected for inventory of property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this information are hereby notified that the aforementioned sources should be consulted for verification of the information contained in this report.	
TAX VALUE SUMMARY		COST	
TOTAL BUILDING VALUE		\$19,716	
LAND		\$0	
BUILDINGS		\$0	
TOTAL MARKET VALUE		\$116,700	
TOTAL AMOUNT DEFERRED		\$0	
TOTAL TAX VALUE		\$116,700	
MARKET		\$0	
INCOME		\$0	



HENDERSON COUNTY
OFFICE OF THE COUNTY MANAGER

100 NORTH KING STREET
HENDERSONVILLE, NC 28792-5097
PHONE (828) 697-4809 FAX (828) 698-6014
www.hendersoncountync.org

David E. Nicholson
County Manager
davidn@hendersoncountync.org


Justin Hembree
Assistant County Manager
jhembree@hendersoncountync.org

Selena D. Coffey
Budget & Management Director
selenac@hendersoncountync.org

Avalina Merrill
Administrative Assistant
avalina@hendersoncountync.org

MEMO

TO: Board of Commissioners

FROM: David E. Nicholson
County Manager 

DATE: January 3, 2005

SUBJECT: City of Asheville/Asheville Regional Airport Properties

I am writing to provide the Board with my recommendation concerning the request from the Asheville Regional Airport for the Board's consent to purchase 1.5 acres of commercial property in Henderson County. I cannot recommend to the Board that you approve this request without resolving the other properties that were purchased by the City of Asheville for airport uses. Several years ago, Henderson County was added to a local bill which requires municipalities from other counties to seek approval from the Board before purchasing property in Henderson County. There are three other properties that were purchased without having receiving approval from the Board of Commissioners.

I recommend that the Board consent to this land purchase by Asheville Regional Airport based on an agreement that requires the City of Asheville or the Asheville Regional Airport to provide on a yearly basis a payment in lieu of taxes based on Henderson County's assessed valuation and annual countywide tax rate. Henderson County already receives some payment in lieu of taxes from the US Government and the Hendersonville Housing Authority. These payments are for property that has been removed from our tax base by these government agencies. These properties and the annual payment in lieu are as follows.

	Property Description	Valuation	Payment in lieu *
1.	54.58 acres purchased in July 1991	\$ 95,500	\$453.63
2.	25.11 acres purchased in August 1993	\$109,900	\$522.03
3.	24.95 acres purchased in October 1993	\$116,700	\$554.33
4.	1.5 new acres	\$**	\$

* This amount based on the current assessed valuation and tax rate. I would recommend that this amount be calculated annually based on updated valuations and adjustments to the tax rate.

** This property would have to be assessed by the County Assessor's office since they are purchasing a current parcel and a portion of another parcel.

Should the Board support my recommendation, I would suggest that a letter be written to the City of Asheville and the Airport Authority concerning this offer.