

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 5 December 2005

SUBJECT: Edneyville Park agreement

ATTACHMENT(S): Draft agreement

SUMMARY OF REQUEST:

Attached is a draft agreement between the County and the private group from Edneyville who have been working to have a county park located there.

This agreement would require that the land, which is to be conveyed to the County at no cost to the County, would revert to the group if no NC-Parks and Recreation Trust Fund grant was obtained, or if construction on a park was not begun with approximately 18 months.

COUNTY MANAGER RECOMMENDATION/BOARD ACTION REQUESTED:

The County manager supports this proposal.

County staff will be present and prepared if requested to give further information on this matter.

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

DRAFT

AGREEMENT

THIS AGREEMENT is made this the _____ day of December, 2005, by and between Edneyville Community Center Association, Inc., a North Carolina Corporation ("the Corporation") and Henderson County, North Carolina, a body corporate and politic ("the County").

Statement of Circumstances

1. Both the Corporation and the County desire the placement of a park, to be owned and operated by the County, in the Edneyville area of Henderson County.
2. Habitat for Humanity, Inc. ("Habitat"), owns certain real estate located in the Edneyville area.
3. Habitat is willing to sell certain of its real estate located in the Edneyville area ("the parkland") to the Corporation, for use as a park.
4. The Corporation is willing to transfer the parkland to the County, on the condition that the County establish and operate a public park on the parkland.
5. The County is willing to establish and operate a public park on the parkland, so long as certain grant funds from the North Carolina Parks and Recreation Trust Fund are made available to the County for such purpose.

Statement of Agreement

1. The Corporation will, prior to 31 December 2005, obtain the parkland from Habitat and convey the same to the County.
2. The conveyance of the parkland to the County by the Corporation will be expressly conditioned on the County:
 - a. Obtaining a grant by not later than 31 December 2006, in an amount deemed sufficient to the County, from the North Carolina Parks and Recreation Trust Fund to allow the County to construct a public park on the parkland.
 - b. Commencing construction of a public park on the parkland by not later than 30 June 2007.
3. The Corporation and the County will cooperate on future grant applications for the park to be constructed, subject to County approval if any County funded financial match is required, including administrative costs.
4. If a financial (as opposed to in-kind services) match to the initial NC Parks and Recreation Trust Fund grant is required, the County will fund to the level of the remaining required match (after all land donation and in-kind services are taken into account).

This the date and year first above written.

EDNEYVILLE COMMUNITY CENTER ASSOCIATION, INC.

By: _____
President

Attest:

Secretary

[CORPORATE SEAL]

HENDERSON COUNTY

By: _____
Chairman, Board of Commisioners

Attest:

Secretary to the Board of Commissioners

[COUNTY SEAL]