

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 4 February 2008

**SUBJECT:** Henderson County Hospital Corporation (Pardee Hospital)  
right of way condemnation by NC-DOT

**ATTACHMENT(S):** Draft resolution

#### **SUMMARY OF REQUEST:**

The Board of Directors of Henderson County Hospital Corporation, doing business as Margaret R. Pardee Memorial Hospital, request that the Board consider the attached resolution.

As the Board may remember, the North Carolina Department of Transportation (NC-DOT) has condemned certain real estate owned by Henderson County and leased by Henderson County Hospital Corporation. This real estate is in the nature of additional right of way for the Sixth Avenue West widening project of the NC-DOT.

The Corporation Board recommends acceptance of two of the three offers received from NC-DOT, and rejection of the third offer, subject to further negotiation with NC-DOT by the Corporation Board or its staff. The Board should note that all proceeds from the two offers would return to the Corporation, under the proposed resolution.

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

#### **BOARD ACTION REQUESTED:**

Approval of the draft resolution.

If the Board is so inclined, the following motion is suggested:

***I move that the Board approve the draft resolution accepting two offers from NC-DOT in compromise of its condemnation claim against Henderson County and Henderson County Hospital Corporation, and reject the third offer, and paying the proceeds of such two accepted offers to Henderson County Hospital Corporation.***

**RESOLUTION OF THE BOARD OF COMMISSIONERS  
FOR HENDERSON COUNTY, NORTH CAROLINA  
TO APPROVE ACCEPTANCE OF CONDEMNATION OFFERS  
Henderson County Hospital Corporation**

WHEREAS, Henderson County holds title to certain real property which was acquired with funds generated by the operations of Henderson County Hospital Corporation and which is subject to a lease by and between Henderson County and Henderson County Hospital Corporation;

WHEREAS, such real property is subject to condemnation claims by the North Carolina Department of Transportation for the widening of Highway 64 through Hendersonville, North Carolina, identified as Project #8.1952301;

WHEREAS, the North Carolina Department of Transportation has made offers to acquire the necessary rights-of-way across three (3) distinct parcels of real property owned by Henderson County;

WHEREAS, the Board of Directors of Henderson County Hospital Corporation has obtained appraisals from a certified real estate appraiser, reflecting that the offers made on two (2) of the rights-of-way are within the fair market value of the rights being taken, but the offer on the third is in excess of \$100,000.00 less than the fair market value of the interest being taken.

WHEREAS, the Board of Directors of Henderson County Hospital Corporation did on the 12<sup>th</sup> day of December 2007, recommend this Board of Commissioners' acceptance of two (2) of the offers received from the North Carolina Department of Transportation and rejection of the third offer;

WHEREAS, the Board of Commissioners has authority to grant the requested easements pursuant to N.C.G.S. §153A-176 and N.C.G.S. §160A-273; and

WHEREAS, the said Board of Directors of Henderson County Hospital Corporation has also requested that all proceeds from this condemnation be paid to the Henderson County Hospital Corporation to compensate it for the loss of use of the subject real property.

NOW, THEREFORE, be it Resolved by the Board of Commissioners for Henderson County, North Carolina that:

1. Henderson County shall grant to the North Carolina Department of Transportation easements as follows:

(a) .07 acres encumbering that real property described in deed of record in Deed Book 855, at page 341 in the office of the Register of Deeds for Henderson County, North Carolina, and a temporary, construction easement of approximately 2,461 square feet, both as more particularly described and depicted in that written offer dated June 1, 2007.

(b) .06 acres encumbering that real property described in deed of record in Deed Book 843, at page 510 in the office of the Register of Deeds for Henderson County, North Carolina, and a temporary, construction easement of approximately 1,125 square feet, both as more particularly described and depicted in that written offer dated June 1, 2007.

2. The offers made by the North Carolina Department of Transportation for the above-described easements shall be and are accepted. The purchase price for the easement encumbering that property described in Deed Book 855, page 341, Henderson County Registry, is \$49,650.00. The purchase price for the easement encumbering that property described in Deed Book 843, page 510, Henderson County Registry, is \$54,375.00.

3. The Chair of the Board of Commissioners is authorized to execute and deliver all deeds necessary to convey the above-described easements to the North Carolina Department of Transportation.

4. The Board of Directors for Henderson County Hospital Corporation shall be authorized, by and through its agents, to reject the offer of the North Carolina Board of Transportation in regard to a

proposed right-of-way encumbering that real property described in Deed Book 927 at page 712 in the office of the Register of Deeds for Henderson County, North Carolina and to negotiate with the North Carolina Department of Transportation toward an offer that more accurately reflects the fair market value of the interest being taken.

5. All proceeds paid by the North Carolina Department of Transportation in consideration of the easements to be conveyed shall be paid to Henderson County Hospital Corporation and shall be the sole and exclusive property of Henderson County Hospital Corporation.

Adopted, this the \_\_\_\_\_ day of February, 2008.

HENDERSON COUNTY

BY: \_\_\_\_\_  
WILLIAM MOYER, Chair

ATTEST:

\_\_\_\_\_  
Clerk to the Board