

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: 15 April 2015

SUBJECT: Final approval of sale of Bent Creek acreage to Buncombe County

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Offer letter from Buncombe County Board Chair Gantt
Acceptance letter from Chairman Thompson
N.C. Gen. Stat. §160A-274

SUMMARY OF REQUEST:

Pursuant to N.C. Gen. Stat. §160A-274, the County may, “upon such terms and conditions as it deems wise, with or without consideration, . . . sell to . . . any other governmental unit any interest in real . . . property.”

Pursuant to your Interlocal Agreement with Asheville, you have met all conditions for the sale of the Bent Creek acreage.

This item is to give final approval of the sale.

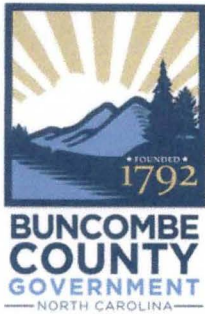
County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Final approval of sale.

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

I move that the Board grant final approval of the sale of the Bent Creek (also known as Ferry Road) property owned by the County to Buncombe County, for \$6,815,000.



Commissioners Office

Chairman
David Gantt

District 1
Holly Jones
Brownie Newman

District 2
Ellen Frost
Mike Fryar

District 3
Joe Belcher
Miranda DeBruhl

March 17, 2015

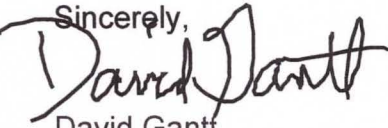
Mr. Steven D. Wyatt, County Manager
Henderson County
1 Historic Courthouse Square, Suite 2
Hendersonville, NC 28792

Dear Steve:

Thank you for working so closely with Buncombe over the last few days as we talked through the purchase of the Bent Creek/Ferry Road property. We plan to offer this 137 acre site for an economic development project that will be a big benefit to both of our communities.

After working through many details, Buncombe County would like to offer Henderson County \$6,815,000 for the property located on Ferry Road in Buncombe County. The property, consisting of approximately 137.21 acres, is described in Deed Book 2152 at Page 4 and in Plat Book 50 at Page 107 Buncombe County, North Carolina Registry.

If you have any questions, please don't hesitate to give me or our County Manager a call.

Sincerely,

David Gantt,
Chairman



HENDERSON COUNTY BOARD OF COMMISSIONERS

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Hendersonville, North Carolina 28792-5097
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WILLIAM LAPSLEY

March 19, 2015

Mr. David Gantt, Chairman
Buncombe County Board of Commissioners
200 College Street, Room 316
Asheville, North Carolina 28801

RE: Bent Creek/Ferry Road property

Dear David:

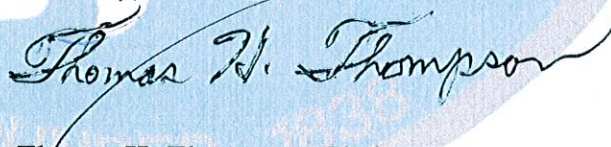
Thank you for your March 17, 2015, letter to County Manager Steve Wyatt in the above matter.

Yesterday the Board of Commissioners voted unanimously to accept Buncombe County's offer to purchase the subject property, subject only to the conditions set out in the Interlocal Agreement between Henderson County and the City of Asheville (which gives Henderson County the authority to market and sell the property). Our County Attorney has informed me that your letter to Steve, in which you note that it is your intention to "offer this ... site for an economic development project ...", will fulfill the last unfulfilled condition in the Interlocal Agreement.

Given the circumstances of this matter, we do believe that our exchange of letters will suffice as a written contract in this matter, and do not propose a more formal contract, although we would be amenable to one if you would so require.

Attached you will find a draft special warranty deed which we propose in this matter. Henderson County is ready to close this transaction at your earliest convenience.

Sincerely,



Thomas H. Thompson, Chairman
Henderson County Board of Commissioners

THT/oca
Enclosure (1)

§ 160A-274. Sale, lease, exchange and joint use of governmental property.

(a) For the purposes of this section, "governmental unit" means a city, county, school administrative unit, sanitary district, fire district, the State, or any other public district, authority, department, agency, board, commission, or institution.

(b) Any governmental unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property.

(c) Action under this section shall be taken by the governing body of the governmental unit. Action hereunder by any State agency, except the Department of Transportation, shall be taken only after approval by the Department of Administration. Action with regard to State property under the control of the Department of Transportation shall be taken by the Department of Transportation or its duly authorized delegate. Provided, any county board of education or board of education for any city administrative unit may, upon such terms and conditions as it deems wise, lease to another governmental unit for one dollar (\$1.00) per year any real property owned or held by the board which has been determined by the board to be unnecessary or undesirable for public school purposes. (1969, c. 806; 1971, c. 698, s. 1; 1973, c. 507, s. 5; 1975, c. 455; c. 664, s. 9; c. 879, s. 46; 1977, c. 464, s. 34; 2001-328, s. 6.)