

# REQUEST FOR BOARD ACTION

## HENDERSON COUNTY

### BOARD OF COMMISSIONERS

**MEETING DATE:** 19 October 2022

**SUBJECT:** Sale of property to The Housing Assistance Corporation

**ATTACHMENT:** GIS map  
Offer from The Housing Assistance Corporation  
N.C. Gen. Stat. §160A-279  
N.C. Gen. Stat. §160A-267  
Resolution pursuant to §160A-267

#### SUMMARY OF REQUEST:

The Board of Directors of Henderson County Hospital Corporation received a request that the Hospital Corporation agree that the County convey certain real estate obtained by the Hospital Corporation and held in the County name. The property, shown on the attached GIS map, is located at the intersection of Kingsbury Road and Arlington Place, near Stoney Mountain Road's intersection with US 25 (Asheville Highway). The Hospital Corporation Board of Directors approved the sale on the terms contained in the offer from The Housing Assistance Corporation on October 3, 2022.

Under your lease with the Hospital Corporation, all land acquired by it is held in the County's name, including this property. Presuming your approval, N.C. Gen. Stat. §160A-279 allows the conveyance of real property to private entities carrying out a public purpose, such as The Housing Assistance Corporation, so long as the provisions of N.C. Gen. Stat. §160A-267 are carried out.

If the Board is in agreement, a proposed resolution is attached.

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

#### BOARD ACTION REQUESTED:

Approval of the property sale.

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

***I move that the Board approve the property sale, and further approve and direct publication of the resolution attached to this agenda item.***

# Henderson County (Hospital Corporation) Property -- Kingsbury Rd



October 11, 2022

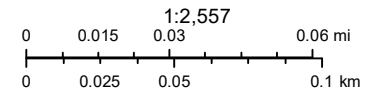
**Streets and Highways**

- FREEWAY
- INTERSTATE
- BOULEVARD

- THOROUGHFARE
- COLLECTOR
- Local Roads
- Parcels

**THIS IS NOT A SURVEY.**

All information or data provided, whether subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk. Henderson County makes no warranties or guarantees, including the warranties of merchantability or of fitness for a particular purpose. Map data is not appropriate for, and is not to be used as, a geodetic, legal, or engineering base system. The data is not intended as a substitute for surveyed locations such as can be determined by a registered Public Land Surveyor, and does not meet the minimum accuracy standards of a Land Information System/Geographic Information System Survey in North Carolina (21 NCAC 56.1608).





September 2, 2022

Subject: Letter of Intent to Purchase County Owned Property

Dear Henderson County Commissioners and Pardee UNC Health Care Executives,

The Housing Assistance Corporation would like to express interest in purchasing a portion of Henderson County owned property located on 2029 Asheville Highway, Hendersonville NC 28791, PIN # 9569-35-9955. The specific parcel is approximately 0.54 acres and located on the corner of Arlington Place and Kingsbury Rd. The Housing Assistance Corporation would like to offer \$34,000 for the property.

Housing Assistance is a community leader in providing safe and affordable housing to Henderson County and surrounding areas. Our Single-Family Development Program is the primary provider of affordable housing services to low income homeowners in Henderson County. By incorporating more affordable housing units, Housing Assistance's Single-Family Development Program creates an opportunity to be better Henderson County resident's lives and provide other members of the community more affordable housing options. There is a great need in this area for their services as most of the real estate market prices remain out of reach for a majority of people in our area.

Our intention in acquiring this parcel is increase the affordable housing stock in our area by building two (2) single family homes on the property for persons approved for our homeownership program.

Please feel free to contact me directly should you require any additional information to consider the request.

Sincerely,

*Ashlynn Landreth McCoy*

Ashlynn McCoy, Executive Director

ashlynn@housing-assistance.com

828-692-4744 ext. 109

**§ 160A-279. Sale of property to entities carrying out a public purpose; procedure.**

(a) Whenever a city or county is authorized to appropriate funds to any public or private entity which carries out a public purpose, the city or county may, in lieu of or in addition to the appropriation of funds, convey by private sale to such an entity any real or personal property which it owns; provided no property acquired by the exercise of eminent domain may be conveyed under this section; provided that no such conveyance may be made to a for-profit corporation. The city or county shall attach to any such conveyance covenants or conditions which assure that the property will be put to a public use by the recipient entity. **The procedural provisions of G.S. 160A-267 shall apply.** Provided, however, that a city or county may convey to any public or private entity, which is authorized to receive appropriations from a city or county, surplus automobiles without compensation or without the requirement that the automobiles be used for a public purpose. Provided, however, this conveyance is conditioned upon conveyance by the public or private entity to Work First participants selected by the county department of social services under the rules adopted by the local department of social services. In the discretion of the public or private entity to which the city or county conveys the surplus automobile, when that entity conveys the vehicle to a Work First participant it may arrange for an appropriate security interest in the vehicle, including a lien or lease, until such time as the Work First participant satisfactorily completes the requirements of the Work First program. This subsequent conveyance by the public or private entity to the Work First participant may be without compensation. The participant may be required to pay for license, tag, and/or title.

(b) Notwithstanding any other provision of law, this section applies only to cities and counties and not to any other entity which this Article otherwise applies to.

(c) Repealed by Session Laws 1993, c. 491, s. 1.

(d) This section does not limit the right of any entity to convey property by private sale when that right is conferred by another law, public, or local. (1987, c. 692, s. 1; 1993, c. 491, s. 1; 1998-195, s. 1.)

**§ 160A-267. Private sale.**

When the council proposes to dispose of property by private sale, it shall at a regular council meeting adopt a resolution or order authorizing an appropriate city official to dispose of the property by private sale at a negotiated price. The resolution or order shall identify the property to be sold and may, but need not, specify a minimum price. A notice summarizing the contents of the resolution or order shall be published once after its adoption, and no sale shall be consummated thereunder until 10 days after its publication. (1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 24.)

Henderson County  
North Carolina

**Before the Board of Commissioners**

BOARD OF COMMISSIONERS ENACTMENT 2022-\_\_\_\_\_

WHEREAS Henderson County Hospital Corporation (the “Hospital Corporation”) acquired certain real estate, titled in the County, near the intersection of U.S. 25 North (Asheville Highway) and Stoney Mountain Road; and,

WHEREAS, a portion of this real estate (the “subject property”) is not in the Hospital Corporation’s long-term plan or usable (under current zoning regulations) for the Hospital Corporation’s uses; and,

WHEREAS, The Housing Assistance Corporation (“HAC”) has offered to purchase the subject property for \$34,000 in order to construct two (2) single-family homes for persons approved for HAC’s homeownership program; and,

WHEREAS, the Hospital Corporation’s Board of Directors has agreed, subject to the approval of the Board of Commissioners of Henderson County, to the sale proposed by HAC; and,

WHEREAS, the Board of Commissioners of Henderson County have agreed to the HAC offer; and

WHEREAS, N.C. Gen. Stat. §160A-267 requires that, in such cases, the Board of Commissioners to adopt a resolution or order “authorizing an appropriate . . . official to dispose of the property by private sale at a negotiated price”.

NOW, THEREFORE, IT IS HEREBY ORDERED that the County Manager shall convey the subject property to HAC upon payment of the purchase price of \$34,000.

This the 19<sup>th</sup> day of October, 2022.

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WILLIAM G. LAPSLEY, Chairman  
Henderson County Board of Commissioners

Attest:

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Secretary to the Board of Commissioners