

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: September 3, 2024

SUBJECT: Agreement with Board of Education regarding Berkeley Road property

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Draft agreement as approved by Board of Education

SUMMARY OF REQUEST:

Pursuant to your discussions at your special meeting on August 20, 2024, the attached draft was negotiated and has been approved by the Henderson County Board of Public Education.

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

BOARD ACTION REQUESTED:

Approval of the agreement

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

I move that the Board approve the agreement with the Henderson County Board of Public Education.

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

INTERLOCAL AGREEMENT

This AGREEMENT is made by and between the Henderson County Board of Public Education (“Board of Education”) and the Henderson County Board of Commissioners (“Commissioners”) pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

For the benefit of all the citizens of Henderson County and all of the students in Henderson County Public Schools, the Board of Education and the Commissions agree as follows:

1. The real property held by the Board of Education and located adjacent to the Berkley Mills including but not necessarily limited to those parcels described in Book 3998, at Page 665, and Book 4080, at Page 183, both of the Henderson County Registry (collectively, the “Property”), shall be conveyed to the Commissioners, on the express condition that the Commissioners enter into a contract for the design and construction of a multi-sports park (“the facilities”) on the Property. This conveyance shall take place simultaneously herewith subject to a reversionary clause in the event that Henderson County does not enter into a construction contract for the facilities by January 1, 2025. With the exception of the reversionary clause, the Board of Education shall convey Marketable Fee Simple interest in the said property to the Commissioners.

2. In contracting for such design, the County will cause the park to be designed with six (6) tennis courts and a women’s softball facility both meeting North Carolina High School Athletic Association specifications. The Board of Education will have priority use of the existing baseball field on the property and the future tennis courts and softball facility during and for a reasonable time in advance of the applicable competitive seasons using such field, courts and facility in cooperation with Henderson County Parks and Recreation.

3. In constructing the park, the County will contract and pay for the grading work for the six (6) tennis courts and a softball facility as stated above.

4. The County will construct the tennis courts and softball facility if, when and as funds are available to the County for the same.

5. In the meantime, the Board of Education at its discretion may fund the construction of the tennis courts and/or softball facility using fund balance available to it or donations and contributions from other sources.

Agreed and approved by both Boards, the dates shown below.

HENDERSON COUNTY BOARD
OF PUBLIC EDUCATION

HENDERSON COUNTY BOARD
OF COMMISSIONERS

By: _____
Board Chair

By: _____
Board Chair

Date: _____

Date: _____