

NORTH CAROLINA NON-WARRANTY DEED

* No Title Examination Performed

Mail after recording to: City Attorney's Office, P.O. Box 7148, Asheville, NC 28802

This instrument was prepared by: Curtis W. Euler, Associate County Attorney

THIS DEED made this _____ day of _____, 2011, by and between

<p>GRANTOR:</p> <p>County of Buncombe, a Body Corporate and Politic, 205 College Street, STE 300 Asheville, NC 28801</p>	<p>GRANTEE:</p> <p>City of Asheville, a North Carolina municipal corporation, P. O. Box 7148 Asheville, NC 28802</p>
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The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as may be required by context.

WITNESSETH, that said Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by the presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Buncombe County, North Carolina and more particularly described as follows:

The property set forth in Exhibit A.

TO HAVE AND TO HOLD the aforesaid parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

The Grantor makes no warranty, express or implied, as to title the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has hereunto caused this instrument to be duly executed and delivered:

ATTEST:

BUNCOMBE COUNTY

Kathy Hughes, Clerk to the Board of
County Commissioners

_____(Grantor)
David Gantt, Chairman
Board of County Commissioners

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, _____ Notary Public of the County and State aforesaid certify that Kathy Hughes personally came before me this day and acknowledged that she is the duly appointed Clerk of the Board of Commissioners of the County of Buncombe, and that by authority duly given and as the act of the body politic the foregoing instrument was signed in its name by its said Board Chairman, sealed with its corporate seal and attested by herself as its Clerk.

Witness my hand and notarial seal this _____ day of _____, 20 _____

Notary Public
My Commission Expires: _____

The forgoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____, Register of Deeds for Buncombe County

By: _____ Deputy/Assistant – Register of Deeds

EXHIBIT A

TRACT ONE: Being all of that tract of land known as "Recreation Park" as more particularly described on Plats recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Plat Book 30 at Pages 1 and 2 reference to which are hereby made for a more particular description. Being the same property conveyed to the City of Asheville by Deeds recorded in said Registry in Deed Book 55 at Page 513, Deed Book 294 at Page 316 and Deed Book 790 at Page 351

The City hereby reserves a perpetual right of way 60 Feet in width with the centerline of said right of way being at the center of the existing pavement and extending through said right of way being at the center of the existing pavement and extending through said property as follows: along Azalea Road to the southern boundary of said property. The City further hereby reserves a temporary construction easement 85 feet in width with the centerline of said easement at the center point of the existing pavement of Gashes Creek Road. Said temporary construction easement is for the purpose of a new bridge expanding the Swannanoa River along said Gashes Creek Road.

TRACT TWO: Being all that property known as Municipal Golf Course as described in a deed from Malcragson Land Company to the city of Asheville dated February 2, 1925, and recorded in the Office of the Register of Deeds for Buncombe County, North Carolina, in Deed Book 305 at Page 398 reference to which is hereby made for a more particular description, containing 121 acres, more or less, as described in said deed.

TRACT FOUR: Being the playing fields and related facilities enclosed in the fenced area know as McCormick Field together with the parking lot located between the playing field and McCormick Street along approximately the following lines which are subject to correction or precise determination by survey provided hereafter: Beginning at the fence line at the top of the bank in the right field area of McCormick Field and following the fence along the top of the bank around to the existing property line on the north side of the existing City property, thence along said northern boundary to the eastern margin of McCormick Street thence along the eastern margin of McCormick Street to the northern margin of Ballpark road and Buchanan Place, thence with the northern margin of said roads to the beginning point of the right field fence.

Tract One, Two and Four being the same property described in Deed Book 1359, at Page 228 and re-recorded in Deed Book 1371 at Page 77, recorded in the office of Register of Deeds of Buncombe County, N.C.