

RESOLUTION

RESOLUTION AUTHORIZING THE SALE BY PROGRESS ENERGY OF A PORTION OF THE LAKE JULIAN RECREATION AREA

- Whereas, since at least 1973, Buncombe County has leased property from Carolina Power & Light Company, a North Carolina public service corporation, now d/b/a Progress Energy Carolinas, Inc., ("Progress") for the use and operation of a County Recreation Facility known as Lake Julian Park; and
- WHEREAS, Morgan Legacy, LLC is the owner of a gas station and convenience store located at the corner of Hendersonville and Heywood Roads in Asheville, North Carolina and it has requested that Progress sell it an approximately 12,500 square foot area owned by Progress and which is covered by the Lake Julian lease to Buncombe County; and
- WHEREAS, the subject area is already paved and used by the gas station and convenience store as an access point to and from Heywood Road as shown on the attached image of the gas station area; and
- WHEREAS, this area is not used and is not needed by either Progress or Buncombe County; and
- WHEREAS, a survey is being prepared but is not yet ready, and once it complete Progress will provide a copy to the County Attorney; and
- WHEREAS, Progress desires to close on this transaction before the end of this calendar year; and
- WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of Buncombe County to release this area from the Lake Julian lease and allow this sale.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That this Board hereby authorizes the release of approximately 12,500 square feet of area adjacent to a gas station and convenience store located at the corner of Hendersonville and Heywood Roads in Asheville and owned by Morgan Legacy, LLC and grants to Progress Energy Carolinas, Inc. the right and option to sell that area.
2. That this authorization is subject to the approval of the County Attorney upon his receipt of the survey of the area.
3. That this resolution be effective upon its adoption.

ADOPTED this the 6th day of December, 2011.

ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE

Kathy Hughes, Clerk

By: _____
David Gantt, Chairman

APPROVED AS TO FORM

Michael C. Frue, County Attorney