

**RESOLUTION OF THE BUNCOMBE COUNTY BOARD OF EDUCATION
DECLARING SURPLUS A PORTION OF THE ENKA INTERMEDIATE SCHOOL PROPERTY
AND SUBLEASING OF THE SAME TO ENKA-CANDLER FIRE & RESCUE DEPARTMENT**

WHEREAS, the Buncombe County Board of Commissioners (“County”) and the Buncombe County Board of Education (“Board of Education”) cooperated in the construction of the Enka Intermediate School building (the “Project”) upon the property located at 125 Asheville Commerce Parkway, Candler (the “Property”);

WHEREAS, the Project is funded by the Buncombe County Board of Commissioners (“Board of Commissioners”) through a financing plan using the Property as collateral for the loan proceeds;

WHEREAS, by instrument dated as of April 1, 2015, a memorandum of which is recorded in the Buncombe County Registry is Deed Book 5300, page 591, County leased the Property to the Board of Education (the “Lease”), which leasehold interest is subordinate and subject to the Project financing agreement;

WHEREAS, the said lease permits the subleasing of the Property by the Board of Education, only with the prior written consent of the County, which consent shall not be unreasonably withheld; and

WHEREAS, Enka-Candler Fire & Rescue Department, Inc. has requested to sublease a portion of the Property for the purpose of constructing a substation thereon, as described in and pursuant to the terms of the attached sublease, and the Board of Education proposes to sublease the said portion of the Property to the Department, subject to the County’s financing agreement.

NOW THEREFORE, the Board of Education hereby resolves as follows:

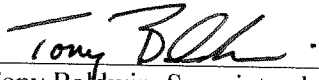
Section 1. Pursuant to G.S. §115C-518, the Board of Education hereby finds and declares the area to be subleased to Enka-Candler Fire & Rescue Department, Inc. to be unnecessary for public school purposes. As required by law, the Board of Education hereby offers the affected portion of the Property to the Buncombe County Board of Commissioners for purchase at a fair market value or as otherwise negotiated by the Boards.

Section 2. Notwithstanding the statutorily-mandated offer expressed herein, the Board of Education requests that the Board of Commissioners decline the same, and approve the proposed sublease of the of the portion of the Property, as required by the Lease.

Section 3. Upon receiving the resolution of the Board of Commissioners, declining to purchase the affected portion of the Property and approving the proposed sublease, the Board of Education shall enter into the sublease at its next regular meeting, upon approval of a resolution for the same after 10 days’ public notice, as required by G.S. §160A-277.

Section 4. The Superintendent is authorized to take such actions as he shall deem necessary to carry out the purposes of this Resolution. This Resolution shall be effective immediately upon its approval.

READ AND APPROVED, this the 9th day of August 2018.



Tony Baldwin, Superintendent &
Ex Officio Secretary



Ann B. Franklin, Board Chair