

RESOLUTION # \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF CONTRACTS AND AGREEMENTS INVOLVING  
ENKA CENTER AND SPORTS PARK

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WHEREAS, on or about September 2, 2014, Fletcher Partners presented, via part owner and board member Martin Lewis, plans to the County, acting by and through its duly elected Board of Commissioners, for a proposed sports complex and a greenway on a portion of the old American Enka plant site and the Board of Commissioners agreed to make \$1.3M in funding available to Enka Youth Sports Organization ("EYSO") upon the following stipulations:

- The sports park be open for recreation and/or public purpose and adequate public access;
- EYSO to receive the approximately 90 acre site donation from Fletcher Partners;
- EYSO to secure \$2.4M from TDA;
- EYSO to secure \$1M from private donors;
- EYSO commits to complete greenways as depicted in the 90 acre portion of Master Plan; and
- EYSO to provide docs of environmental due diligence.

WHEREAS, since the said hearing before the Board of Commissioners, the County has invested in Enka Center development through direct infrastructure, the \$1.3M for EYSO ballfield due diligence and development, and incentive grants to industrial tenants of Enka Center in an amount in excess of \$9M.

WHEREAS, the County is working with the Buncombe County Tourism Development Authority ("TDA") to finalize a matching grant agreement involving new turf for soccer field, lighting for soccer and baseball fields and greenway design and construction.

WHEREAS, no binding agreement has been entered into regarding ownership interests for the proposed greenway route or its completion.

WHEREAS, along with EYSO, Fletcher Partners, Inc. and Enka Partners of Asheville, LLC are involved in the development of the project and all now share the desire to formalize all agreements and commitments by entering into a usage agreement for ball fields, greenway easement grant agreement, and real property transfers.

WHEREAS, this Board is of the opinion that it is in the best interests of the citizens and residents of the County to memorialize the commitments of the parties to the various undertakings at Enka Center and Sports Park.

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

1. The Chairman is hereby authorized, empowered and directed to execute the following contracts:

- TDA Contract
- EYSO Ballfield Usage Agreement
- Greenway Easement Grant Agreement
- Contract (PO) for Musco Lighting
- Contract to acquire part of greenway property from EYSO

2. The Chairman is hereby authorized, empowered and directed, by and with the approval of Buncombe County Legal Services, to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate in order to consummate the transactions contemplated by this Resolution, except that none of the above shall be authorized or empowered to do anything or execute any document which is in contravention, in any way, of the specific provisions of this Resolution.
3. All acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
4. Any prior resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
5. This Resolution is effective upon its adoption.

This the \_\_\_\_ day of March, 2019.

Attest

Board of Commissioners for the  
County of Buncombe

\_\_\_\_\_  
Lamar Joyner, Clerk

By: \_\_\_\_\_  
Brownie Newman, Chairman

Approved as to Form

\_\_\_\_\_  
County Attorney