

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

### MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of Hendersonville, a North Carolina municipal corporation (the "City") and the County of Henderson, a body corporate and politic of the State of North Carolina (the "County").

#### Background

A. The County is the owner of that certain property being the former Hendrick Rhodes post of the Veterans of Foreign War, located on North Main Street, Hendersonville, being that +/- 1.31 acre parcel shown on that plat recorded in Plat Book 2021 at Slide 13621 of the Henderson County Registry, having acquired it in Deed Books 3682 at Page 652 and 3804 at Page 70, both of the Henderson County Registry, reference to which is made and incorporated herein for a more complete description (the "VFW Property") (the Edwards Park Property and the VFW Property are from time to time herein collectively referred to as the "Subject Properties").

B. the City is the owner of that certain property known as Edwards Park, said property being shown and identified on that plat recorded in Plat Book 2021 at Plat Slide 13621 of the Henderson County Registry as the "1.47 acre" tract, having acquired it by that deed recorded in Deed Book 3998 at Page 667 of the Henderson County Registry, reference to which is made and incorporated herein for a more complete description (the "Edwards Park Property") The City intends use of the Edwards Park Property for a park to include a putt-putt golf course.

C. Both the City and the County will be constructing various improvements on their respective properties.

D. The City and County have agreed that a combined and mutual use agreement of certain portions of the VFW Property and the Edwards Park Property as stated herein will be beneficial to their citizens.

#### Statement of Understanding

1. Parking on VFW Property:

A. The County will grant to the City an access and shared parking easement on the Edwards Park Property to allow persons using the Edwards Park Property for its intended purposes, including reasonable parking access to the VFW Property on a first-come, first-allowed to park basis during the Edwards Park Property's operating hours. The easement shall be appurtenant to the Edwards Park property.

B. No parking shall be allowed by persons using the Edwards Park Property on the VFW Property after 10:00 p.m. or before 10:00 a.m.

2. Temporary construction activities permitted:

A. The City and its employees and contractors shall be allowed to use the VFW Property up to twenty (20) feet from its boundary with the Edwards Park Property.

B. No use of the VFW Property as a result of this temporary grant of permission by the City or its employees or contractors shall block access to the VFW Property from either Locust Street or North Main Street.

C. The County and its employees and contractors shall be allowed to use the Edwards Park Property up to twenty (20) feet from its boundary with the VFW Property.

D. No use of the Edwards Park Property as a result of this temporary grant of permission by the County or its employees or contractors shall block access to the Edwards Park Property or otherwise interfere with the use and enjoyment of the Edwards Park Property by users of the park when the City's construction has been completed.

E. Both the City and the County shall restore the property of the other within the temporary construction permissions granted herein to the condition previous to their respective construction activities.

3. The County shall grant an easement to the City for the construction and maintenance of a sidewalk providing access from the VFW Property shared parking to the Edwards Park Property. Construction and maintenance of the sidewalk shall be the responsibility of the City. An approximate location of the sidewalk is shown on the attached Exhibit A and labeled as "Sidewalk easement area." Such easement shall also grant a right of access across the sidewalk so constructed to users of the Edwards Park Property. Lastly, such easement shall also grant to the City a general right of access across the VFW Property for the purposes of ongoing maintenance, repair and replacement of the sidewalk constructed within the easement. The easement shall be appurtenant to the Edwards Park property.

4. The County shall grant an easement to the City to permit the City to tie the stormwater management from the Edwards Park Property into the County's stormwater junction boxes, located on the VFW Property. Maintenance of the City's stormwater management system on the VFW Property shall be and remain the responsibility of the City. The easement shall be appurtenant to the Edwards Park property.

5. Upon the completion of the construction for both the VFW Property and the Edwards Park Property, but in any event by no later than December 31, 2027, the parties shall execute a recombination deed relocating the boundary between the VFW Property and the Edwards Park Property to the location shown on the Exhibit B, and will execute the necessary easement documents to grant the easements described herein.

6. With their signatures below, both parties represent that this has been duly approved by both parties' governing bodies.

CITY OF HENDERSONVILLE

HENDERSON COUNTY

BY:\_\_\_\_\_

BY:\_\_\_\_\_

DATE:\_\_\_\_\_

DATE:\_\_\_\_\_