

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT REAL PROPERTY AND APPROVE AGREEMENTS

WHEREAS, the City Council approved a conditional zoning (O-23-21, P22-54-CZD) of that property now owned by Lakewood Hendersonville, LLC, (formerly owned by Group Ventures, Inc.) the property being shown as Subject Parcels 1-3 on that plat recorded in Plat Book 2024 at Page 15475 of the Hendersonville Registry, zoning it from I-1 Industrial to UR-CZD, Urban Residential Conditional Zoning District; and;

WHEREAS, as a condition of O-23-21, the property owner is required to donate Subject Parcel 1 shown on that plat recorded in Plat Book 2024 at Page 15475 to either the City of Hendersonville or a nonprofit corporation; and

WHEREAS, Lakewood has agreed to donate said Subject Parcel 1 to the City pursuant to the terms of a Development Agreement, attached hereto as Exhibit 1 (the “Development Agreement”); and

WHEREAS, the Development Agreement provides that in addition to the donation of Subject Parcel 1, Lakewood will pay to the City the sum of \$50,000 in exchange for the City’s allowing Lakewood to encroach into a streambank maintenance easement running along Allen Branch as shown on that plat recorded in Plat Book 2018 at page 11458 of the Henderson County Registry, the streambank encroachment to be granted pursuant to the Streambank Encroachment Agreement, attached hereto as Exhibit 2 (the “Streambank Encroachment Agreement”); and

WHEREAS, the City is planning a greenway on Subject Parcel 1, and the Development Agreement provides that the City will use the \$50,000 to plant 140 trees on Subject Parcel 1 in locations that in the City’s discretion will best benefit the greenway;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The Development Agreement and the Streambank Encroachment Agreement are hereby approved as presented.
2. The City’s acceptance of title to Subject Parcel 1 is approved.
3. The City Manager is authorized to sign the Development Agreement and the Streambank Encroachment Agreement with such changes as he may deem appropriate, after consultation with the City Attorney.
4. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Development Agreement and the Streambank Encroachment Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela Beeker, City Attorney