

**RESOLUTION APPROVING LEASE CITY OWNED REAL PROPERTY AT 125
5TH AVE WEST TO FRIENDS OF DOWNTOWN**

WHEREAS, the City of Hendersonville owns property located at 125 5th Avenue West described in deed of record in Deed Book 3225, Page 388, Henderson County Registry; and

WHEREAS, the City of Hendersonville purchased the property at 125 5th Ave West in 2018 for \$475,000 for the purposes of building public restrooms on the ground floor and office space on the second floor; and

WHEREAS, the City's Downtown Division has been relocated to City Hall and the City does not have another current need for the second-floor offices at 125 5th Ave West, and Elevents, Inc., a North Carolina nonprofit corporation, dba Friends of Downtown Hendersonville ("Friends"), has requested to lease the 2nd floor offices for a ten-year term, and the City Council has determined these offices will not be needed by the City for the term of the requested lease; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes the City Council to lease City owned real property by to an entity carrying out a public purpose and the Friends is a nonprofit entity carry out a public purpose; and

WHEREAS, North Carolina General Statute § 160A-267 requires public notice be given at least 10 days before entering into such a lease ; and

WHEREAS, the Friends of Downtown Hendersonville intends to sublease the individual office spaces for market rate and use the funds received towards building improvements and expenses authorized for Municipal Service Districts in North Carolina General Statute § 160A-536, which is hereby declared to be a public purpose.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The City Manager is authorized to enter into a lease with the Friends for the the second floor offices and shared use of common spaces located at 125 5th Ave West.
2. The annual rent shall be \$1, paid annually, for a ten-year term, upon condition that the property and any rents received from subleasing the facility be used to pay for building improvements and other expenses authorized by N.C.G.S. § 160A-267.
3. City Staff is directed to publish the Resolution once in a newspaper of general circulation at lease ten (10) prior to the entry of the lease.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of June, 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to Form:

Angela S. Beeker, City Attorney