

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING
THE EXECUTION AND RECORDING OF DECLARATION OF COVENANTS OF LAND-
USE RESTRICTIONS FOR THE LOWER MUD CREEK RESTORATION PROJECT**

WHEREAS, the City of Hendersonville has been awarded a grant from the North Carolina Land and Water Fund (the “Fund”), a division of the Department of Natural and Cultural Resources for the lower Mud Creek Restoration Project; and

WHEREAS, the City has entered into a grant agreement with the Fund to govern the City’s use and the Fund’s disbursement of the grant; and

WHEREAS, to receive reimbursement under the grant, the City is required to execute and record a Declaration of Covenants of Land-Use Restrictions, or Restoration Declaration, for each property owned by the City and proposed to be improved with grant funds; and

WHEREAS, the City owns a tract of land, being all of that property described in a deed from Ken Wilson Ford, Inc. to The City of Hendersonville, said deed recorded in Deed Book 1107 at page 172 of the Henderson County Registry, and having PIN 9568-73-9214, (the “Wilson Tract”), that will be improved using grant funds; and

WHEREAS, the City must execute and record a Restoration Declaration for the Wilson Tract in order to receive reimbursement under the grant.

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

1. The Declaration of Covenants of Land-Use Restrictions, (hereinafter the “Restoration Declaration”) for the Wilson Tract, attached hereto as Exhibit A and incorporated herein by reference, is approved.
2. The Mayor is authorized to execute the Restoration Declaration and City staff is authorized to record the same in the Henderson County Registry.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of August, 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney