

## CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**SUBMITTER:** Daniel Heyman

**MEETING DATE:** 06/05/2025

## AGENDA SECTION: CONSENT

**DEPARTMENT:** Legal

**TITLE OF ITEM:** Wilson Tract Restoration Declaration for the Lower Mud Creek Restoration Project – *Daniel Heyman, Staff Attorney*

**SUGGESTED MOTION(S):**

I move the City Council adopt a *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* as presented.

## SUMMARY:

The City previously entered into a grant agreement with the North Carolina Land and Water Fund for the Lower Mud Creek Restoration Project, which aims to address flooding in the Upper Mud Creek sub-watershed along Mud Creek. As part of the project, 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.

The City owns a tract of land, known as the former Wilson Tract, PIN 9568-73-9214, that will be improved using grant funds. Therefore, the City must execute and record the attached Restoration Declaration in order to receive reimbursement under the grant. The Restoration Declaration would prohibit most types of development, but would allow passive recreation such as public parks and greenways. All of the Wilson Tract is located within a Special Flood Hazard Area, and a majority is located within the Floodway.

Attached for City Council's consideration is a Resolution authorizing the City to execute and record the Restoration Declaration.

**BUDGET IMPACT:** \$N/A

**Is this expenditure approved in the current fiscal year budget?**

**If no, describe how it will be funded.**

**ATTACHMENTS:**

1. Resolution
2. Proposed Restoration Declaration