

5 May 2017

To the Hendersonville City Council:

Re: Special Use Permit application for PIN 9569-60-9162, PIN 9569-70-0527 and PIN 9569-60-4631

As a result of your regular and special meetings of 4 and 5 May 2017, you evinced ~~and an~~ intention to place as a condition on such permit, namely the requirement that the Board of Commissioners of Henderson County and the Henderson County Board of Education consent to maintain and preserve for public use the existing Erle Stillwell designed main building on the campus of Hendersonville High School.

To prevent ~~your having to place~~ placement of such a condition on the permit, and the possibly required additional meeting and vote on the same, and as consideration if such is needed for your not placing such a condition on the permit, the Henderson County Board of Commissioners, for itself and its successors and assigns, hereby irrevocably promises to you and your successors and assigns as follows:

1. It is the intent of the County to secure financing for the new Hendersonville High School construction project, using the grounds, the new school building and the current main high school building, commonly referred to as the "Stillwell Building" as collateral security for such financing.

2. The County agrees and promises to you for the term of the initial financing agreements plus any extensions, or for 20 years, whichever is longer, as follows:

a. To maintain the Stillwell building at all times for no primary use other than public use. Such use would not prohibit private uses ancillary to the main public use.

b. Not to demolish any substantial part of the Stillwell Building without a resolution duly adopted by the Hendersonville City Council approving such demolition.

c. To abide by all terms of any such financing agreement concerning maintenance, repair_

and preservation of the Stillwell Building for the period mentioned above. The Hendersonville County Board of Commissioners hereby agrees that the Hendersonville City Council shall have independent power to enforce such terms. The Board of Commissioners further agrees that such terms shall be a proper subject for injunctive relief.

3. The person signing this letter has full authority to act for the Henderson County Board of Commissioners to sign this letter and to make the promises and representations contained herein on behalf of the Board.

~~Done in Hendersonville NC this fifth day of May 2017.~~

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J. Michael Edney

Chairman, Henderson County

Board of Commissioners

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Chairman, Henderson County
Board of Commissioners