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- (2) IN WHAT AREA OF THE COUNTY YOU LIVE
- (3) SPEAK IN A CLEAR AND COURTEOUS MANNER.

*Please Print:*

	<u>NAME</u>	<u>ADDRESS</u>	<u>ISSUE</u>
1.	BOB JONES	116 DREXEL RD ETOWAH	ANIMAL ORDINANCE
2.	STAN Podes	2340 OLD CLEAR CR	Farming & Const.
3.	DOROTHY FREEMAN	237 HIGH HILL RD	Farming & Land Dam
4.	CARL POPANZ	50 CLEAR CREEK SIDE DR	Animal Assistance
5.	Debra Stewart	1166 N. Lake Seminole	Tuxedo
6.	Jack Reed	102 Cannon Dr	Hiv Old Animal
7.	DOUGLAS BIGNIN	260 GOSWINS	TUXEDO
8.	BABS NEWTON	1109 3RD AVE W.	Animal Ord.
9.	Joan Turner		" "
10.			
11.			
12.			
13.			

**PRELIMINARY REPORT**

Report of + or - 6.93 Acres off Old US 25  
Property belonging to John D. Bell  
Tuxedo, N.C. 28784  
File # BOC00273

**Prepared for**

Mr. Charles Russell Burrell  
County Attorney  
100 North King Street  
Hendersonville, North Carolina 28792

AS OF

January 14, 2006

**Prepared by**

BENJAMIN T. BEASLEY & ASSOCIATES  
22 SECRETARIAT DRIVE  
HENDERSONVILLE, NORTH CAROLINA 28792

**BTB****BENJAMIN T. BEASLEY & ASSOCIATES**

Real Estate Appraisers & Consultants  
22 Secretariat Drive • Hendersonville, NC 28792 • Tel./Fax (828) 698-1223

March 1, 2006

Mr. Charles Russell Burrell  
County Attorney  
100 North King Street  
Hendersonville, North Carolina 28792

Re: Preliminary Report of + or - 6.93 Acres off Old US 25  
Property belonging to John D. Bell  
Tuxedo, N.C. 28784  
File # BOC00273

Dear Mr. Burrell,

Per your request, we inspected the above referenced property on January 14, 2006, for possible purchase. The appraisal report of the market value on the above referenced property that we will submit will be a limited, restricted appraisal with addenda with applicable exhibits that explain and demonstrate the process used in completing this assignment.

The property consists of an approximately 6.93 acre tract of land which, as of the date of this letter, has not been precisely defined in terms of a legal metes and bounds description, and no accurate survey of the tract of land is currently available. The tax map of the property indicates 6.93 acres. It is part of a larger tract of land owned by John D. Bell.

The property is almost flat with foliage only along the river bank and edge of the property. A small part of the site is reported to be in the flood area. The access is from the old, discontinued Hwy. 25. The current old Hwy. 25 crosses the river at the edge of the property. The bridge gives access to the property from the water from the river coming from Lake Summit. Because it is shallow, tubes or small boats could float pass the property. New US 25 is on the other side of the river at the rear of the property. The owner has authorized the use of the riverbanks for sand dredging on a limited basis. (It is not a factor of the report). In the past, the site has been used as farm land and at one time a fruit and vegetable stand stood on the property and it is reported by the owner to have an old well. At this time there are no crops, but the old sand dredging equipment is in place. There are telephone, electricity and gas utilities in the area. It is in the Green River township and fire district and there is OU (Open Use) zoning.

The value that will be reported in the forthcoming report will be of the economic or fair market value for the property. For property such as subject, other potential value considerations could be made; i.e., historic value, political value, or value in use among others. The other forms of value are more subjective and are non-tangible components of value. It is the economic value in terms of dollars that the property could be exchanged for in the marketplace that is of consideration in this study. Per your instruction, no value determination, if any, is being made of the sand dredging operations.

A search was made of other land sales in the area and in surrounding counties. The low elevation of the property, location in the southern part of the county and limited access to major roads and shopping have limited the number of sales for valuation purposes. Notwithstanding, we found thirteen sales which range in size from .55 to 47.1 acres.

After noting similarities and differences, the range of the more similar tracts appears to be from about \$14,118 to \$28,125 per acre.

Nonetheless, based on statements about the property and site provided by the owner, we are forming an opinion of what the property under study consists of, and what the property would sell for if placed on the open market. To ascertain correct information for properties, the appraiser is consulting with a number of individuals familiar with the property which included, but were not limited to, John Bell and others. It is assumed that the data provided from these and other sources is correct.

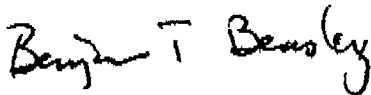
The purpose of this report will be to estimate the fair market value of the above-mentioned property. Please refer to the Assumptions and Limiting Conditions contained in the Introduction to this appraisal report for more specific data appertaining to this property.

The appraisal report that will follow will summarize the assignment, describe the area, neighborhood and subject property and briefly explain the techniques and reasoning leading to the final estimate of value. Comparable sales will be analyzed in the valuation process. The sales used in this report will adequately reflect the market conditions as of January 14, 2006. The Sales Comparison Approach to value is determined to be the most applicable approach for estimation of market value of the subject property.

The market value assumes a reasonable period of time to market the subject property were the property actually placed on the market. We believe a reasonable marketing period of 12 months or less could be expected at the appraised value.

We at Benjamin T. Beasley and Associates welcome the opportunity to be of service. If you have any questions, please do not hesitate to contact us.

Respectfully submitted,



Benjamin T. Beasley, MAI  
NC State Cert. No. A1058

## **PRELIMINARY INFORMATION**

### **PURPOSE AND USE OF THE APPRAISAL**

*Estimate market value as of January 14, 2006.*

The purpose of this appraisal is to estimate the market value of the fee simple interest to a single purchaser as of January 14, 2006, for use of the clients' purpose.

### **SCOPE OF THE APPRAISAL**

*Summary - The data was gathered to estimate value from the Sales Comparison Approach to value.*

The scope of the appraisal is the process of determining data needed to complete the assignment and includes the processes and methods of collecting and analyzing the data and developing a meaningful conclusion. The appraiser visited the subject property for a visual field observation. We received written and verbal information from the owner and others knowledgeable about the subject property or who are acquainted with the market and this particular type of property. From these interviews, applicable sales data for comparable properties were found which were used in the process of estimating the value for the subject property.

As we will discuss later in this report, the subject property consists of an approximately 6.93 acre site.

The Cost and Income Approaches are not being used in estimating value. A final estimation of value will be found by the Sales Comparison Approach.

The following data details the information obtained and the value estimate for the subject property.

### **DEFINITION OF VALUE**

*Market Value is the most probable cash price to be realized upon sale.*

Market Value is defined in Chapter 12, The Code of Federal Regulation, Part 34.42(f) is "the most probable price in terms of money which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus."

Implicit in this definition is the consummation of a sale as of a specific date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and acting in what they consider to be their own best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and,
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Market value is defined as "the cash price that might be reasonably anticipated in a current sale under all conditions requisite to a fair sale." A "fair sale" means that the buyer and seller are acting prudently, knowledgeably, and under no undue stress to buy or sell.

#### **DATE OF VALUE ESTIMATE**

*January 14, 2006*

The subject property was most recently inspected on January 14, 2006. As such, the value estimate is applicable as of this date.

#### **PROPERTY RIGHTS APPRAISED**

*Fee Simple Interest.*

The property rights appraised in this report are all rights existing in fee simple ownership as of the appraisal date. Fee simple ownership rights are the legal and economic properties of the separate entities that may rightfully be exchanged for money or equivalent goods. Fee simple interest typically means no encumbrances whatsoever, however, for the purpose of this report, the definition of fee simple is intended to include a reference to typical financing arrangements available in today's market. The nature of real estate investments in the current market is such that some financing is always in place, and not considering any leverage precludes a "market value estimate".

#### **IDENTIFICATION OF THE PROPERTY**

*The subject is located in Tuxedo, in the Green River fire district of southern Henderson County. It consists of an open use tract of land, currently used as an agricultural site with sand dredging operation.*

In preparing this appraisal, the appraiser visited the subject site for data collection and a visual observation. Additionally, the appraiser gathered information from the subject's neighborhood in Tuxedo, the Hendersonville and Flat Rock area and similar properties in Henderson, Buncombe and Polk Counties.

The subject of this appraisal report is the property located a 6.93 Acre tract located off US Hwy. 25 in Tuxedo, North Carolina. It is an irregularly shaped parcel of land which appears to be described in the legal description found in the Henderson County Public Registry, Deed Book 906, Page 052. The property is currently owned by John D. Bell.

The property consists of approximately 6.93 acre or approximately 301,871 square feet. It is currently vacant land.

#### **AREA DATA**

*Summary - The subject is located in the Tuxedo area of Henderson County, North Carolina. A diversified economic base provides a relatively stable economy in the Asheville/Hendersonville area.*

The following discussion is intended to familiarize the reader of the report with the current economic conditions and trends that may have an effect on the subject property. The majority of the information relates directly to the area of Henderson County. The economy of the general Western North Carolina area in which Henderson County is centrally located, is based on tourist trade, agriculture, and industry.

The value of real estate is influenced largely by forces external to the property. These forces are categorized as environmental, social, governmental and economic. The interactions of these forces influence real estate values and trends.

Environmental forces tend to affect real estate markets and include such things as climate, topography, natural barriers to development and transportation arteries. Social forces are dictated by the interaction of the general populous. This interaction is largely determined by the demographic composition and trends of the influencing populous. Economic forces have a significant impact on real estate markets. These include purchasing power, income levels, employment levels and the ability of a community to meet the economic needs of its residents and generally have more impact on demand in the real estate market. Supply side influences include the availability of properties and suitable financing. Governmental forces control land uses within a community and set the tone for real estate development.

The Henderson County area is located in the Appalachian Mountains of North Carolina and is one of the seventeen counties comprising the Western part of North Carolina. It is bounded by Transylvania County to the west, Buncombe County to the north, Rutherford County to the east and South Carolina to the south. Hendersonville is the county seat for Henderson County and is approximately 42 miles north of Greenville, South Carolina and 20 miles south of Asheville, the county seat of Buncombe County. Charlotte, North Carolina, one of the fastest growing and largest cities in the southeast is approximately a 2 hour drive southeast of the area. The State Capitol, Raleigh, North Carolina, is located approximately 220 miles to the northeast. Other communities in the county are Fletcher, Etowah, Horse Shoe, Edneyville, Flat Rock and Mills River. Fletcher is in the northern portion of the county, and is home of some of the area's larger industrial employers. Subject is southeast of the Asheville/Hendersonville Regional Airport, Western North Carolina's largest, which provides air travel to and from the area. It is served by Delta and US Air Airlines, and five commuter services.

Henderson County is situated between the Great Smoky and the Blue Ridge Mountains, a region referred to as the "Land of the Sky." Due to the attractiveness of the area, the area is popular as a vacation retreat from late spring through fall, particularly for residents of Florida and of other warmer areas of the Southeast. The area is popular in the spring because of the varied greens of emerging leaves of the wide variety of deciduous trees and the colors of numerous flowering plants; and in the fall because of the display of colored foliage in the mountainous terrain. Henderson County is also popular because of its cool summers, relatively mild winters, and lengthy spring and fall seasons. The average temperature for the summer months is 70 degrees and 40 degrees for winter months. Therefore, due to this advantageous location as well as its scenic beauty, the Henderson-Buncombe County area has a high influx of tourism year round. Tourism and manufacturing are the two main industries in the area with health care, electronics and service, and trade businesses blending as additional support for the economy. With the available amenities, tourism can be expected to grow with the local economy relying more heavily upon this industry in the future.

Etowah, Mills River and Horse Shoe are in the western portion of the county, which is known for agriculture and expanding residential development. Etowah/Horse Shoe is the home of three golf course communities (Champion Hills, Cummings Cove, and Etowah Golf Course). Flat Rock is in the southern portion of the county and is a famous historic area marked by large residential estates. It is also home to the Kenmore golf course community. Tuxedo is a small community to the south of Flat Rock, close to the SC line. Edneyville is in the eastern portion of the county and is famous for its apple production. Also, to the east is Chimney Rock Park and Lake Lure, a very popular tourist attraction.

The area is served by two interstate highway systems. Interstate 26 passes through Hendersonville and Fletcher. It connects with Interstate 40 in Asheville, twenty miles to the north. Interstate 85 is situated outside of the general area in Spartanburg, South Carolina, forty miles to the south. The area is also served by U.S. Highways 64, 176, and 25, which is also known as Asheville Highway.

An increase or decrease in population in a county influences the demand for housing and services for the increasing numbers of people. The following gives consideration to the salient influences of changes in total population with time. Charts of the years 1990 and 2000 Henderson County census were consulted along with the charts projecting population increases through the year 2020.

Year	Total Population Henderson County	Population Increase	Percent Increase
1990	69,285		
2000	89,643	20,358	22.71%
2010	108,309	18,666	17.23%
2020	127,480	19,171	14.97%

As may be seen above, the population in Henderson County has increased in number from 1990 to 2000 and is projected to continue to rise through 2020.

Projections for the year 2010 in Henderson County indicate a total population of 108,309. The total population for Henderson County as of January 1, 2005 the population per the U.S. Census Bureau was 95,361. The continued influx of families into the area during the next few years will create further general demand for housing, services, medical facilities, schools, fire and police protection and other services.

The demographic data indicates that the past decade has been a period of rapid growth in the Henderson County market. With the low interest rates and population growth, in addition to a shift in population occurring with people moving into the area from all parts of the country, and an increasing population of retired people, it would appear that a solid market base for residential properties and services and employment to accommodate the increase will be necessary.

Henderson County has a public school system with a 2004-2005 student enrollment 12,520 and an average daily attendance of 96%. There are 21 schools – 12 grades K-5, 4 grades 6-8, 4 grades 9-12 and 1 alternative, grades 6-12. Eleven private schools operate in Henderson County. The school system has over 1,670 employees and 83 teachers are National Board Certified. During the 2003-2004 school year the Henderson County Public School System had 9 Honor Schools of Excellence, 2 Schools of Excellence, 7 Schools of Distinction and 1 School of Progress. The mean SAT score for 2004 was 1059 (33 points above the National average and 48 points above the State average). The Henderson County Public School system is 3<sup>rd</sup> in the Western Region and 6<sup>th</sup> in the State. The median school years completed for residents were 12.3 years while the state average was 12.2 years.

There are two hospitals in the county: Pardee Memorial in Hendersonville with 262 beds, and Park Ridge in the Fletcher area with 103 beds. There is a wide array of ancillary medical services available throughout the area with well-trained medical specialists in most areas of medicine. Asheville, in particular, has large and varied medical services available.

The county tax rate is below that of most of the surrounding counties. The rate is based upon the current assessed value of real and personal property that is reassessed every four years. The current assessment went into effect in 2003 with the tax dropping slightly upon the revaluation. The 2005 Henderson County tax rate is \$.515 per \$100 valuation. In addition, there are varying fire district rates, special school district rates, and city tax rate for residents in the city limits of Hendersonville (\$.43), Fletcher (\$.27), Laurel Park (\$.31) and Mills River (\$.075) the only incorporated towns in the county. In addition to the County tax of \$.515, the subject is in the Green River fire district, which has a fee of \$.075 per \$100 valuation, for a total of \$.59 per \$100. valuation.



The county has zoning in all incorporated areas – Fletcher, Hendersonville, Mills River, Flat Rock and Laurel Park and there are also county restrictions.

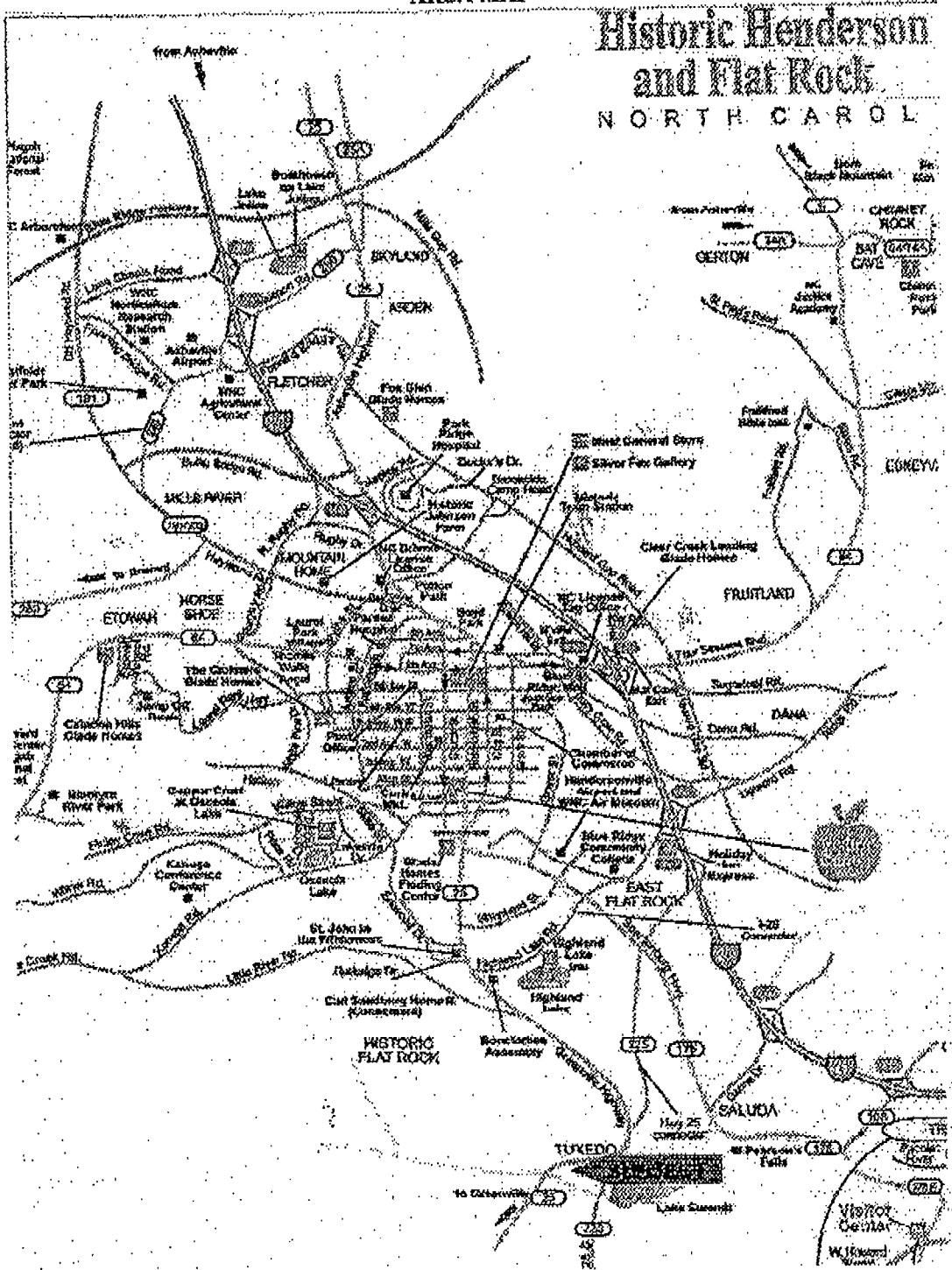
Manufacturing is the largest single industry in the county with the services industry running a close second. Trade and government are running third and fourth respectively. Construction accounts for a large percentage of county employment. Total employment in 2003 was 3,752,300, a 2% increase from 2002. Unemployment was 3.75% in Henderson County, down from 2.6% in 2002. Unemployment in North Carolina was 3.2% compared with 4.2% in the US in 2002. The unemployment rate as of November of 2005 was 3.8% for Henderson County. There has been a large decrease in agricultural employment. The production of apples and cultivation of vegetable and nursery stock are still sizable contributors to the local economy, even though the percentage contribution is decreasing. This type of employment is being replaced primarily by manufacturing and service related businesses. The largest percentage increase in employment is in construction as Henderson County is becoming a retirement community requiring new housing starts and more commercial/retail structures to accommodate the needs of a growing and aging population.

As of 2004, there were approximately 130 manufacturing businesses operating in the area representing diversification in manufacturing. There are 22 large companies such as General Electric, Kimberly Clark, Wilson Arts, Coats North-America, BorgWarner Cooling Systems, Arvin Meritor Automotive, Inc. and Van Wingerden International that are nationally recognized industries in the County. In addition to the business opportunities in the area, many recreational activities are also available. The Blue Ridge Parkway and Appalachian Trail are nationally known recreation byways. In addition, National Parks are in close proximity for recreation purposes. White-water rafting as well as snow skiing are other popular sports in the region. Numerous desirable golf courses are also scattered throughout the area. The Henderson-Buncombe County area has a bounty of activities available for business and pleasure. The future appears bright for continued growth of the area. Asheville, with the world famous Biltmore House and Grove Park Inn, is one of the most popular vacation spots in the southeast.

The economic base of the county is diversified with industry and tourism growing and agriculture diminishing in importance. The availability of a trained work force and forecasts of dynamic economic growth indicate the area will continue to attract industry and new residents. The demographic data indicates the past decade has been a period of rapid growth in the Henderson/Buncombe County market. With the current low interest rates, building permit activity has increased in the residential and commercial market and a shift in population continues to occur with people moving into the area from all over the country. The area is experiencing extensive building construction activity which is projected to continue for the foreseeable future. While the economy is steady on the national level, because of this activity the local area is still experiencing growth.

AREA MAP

# Historic Henderson and Flat Rock NORTH CAROL



## NEIGHBORHOOD DATA

*The subject neighborhood is located in southern Henderson County. There is access to the subject neighborhood from US 25.*

According to The Dictionary of Real Estate Appraisal, a neighborhood is "...a group of complementary land uses". A neighborhood is relatively uniform with physical (natural or manmade) boundaries. The four forces that influence property values within a neighborhood include social forces, economic forces, governmental forces, and environmental forces. For purposes of this report, the term "neighborhood" is defined as follows:

"A portion of a larger community or an entire community in which there is a homogenous grouping of inhabitants, buildings, or business enterprises. Inhabitants of a neighborhood usually have a more than casual community of interests. Neighborhood boundaries may consist of well-defined natural or man-made barriers or they may be more or less well-defined by a distinct change in land use or in the character of the inhabitants."

Source: Real Estate Appraisal Terminology, published by the American Institute of Real Estate Appraisers and the Society of Real Estate Appraisers.

Neighborhoods may be devoted to such uses as residential, commercial, industrial, agricultural and civic activities, or any mixture of these uses. Analysis of the neighborhood is important due to the fact that various economic, social, political, and physical forces that affect the neighborhood also directly influence the properties within it.

Subject property is located off of US Highway 25 in Tuxedo, North Carolina.

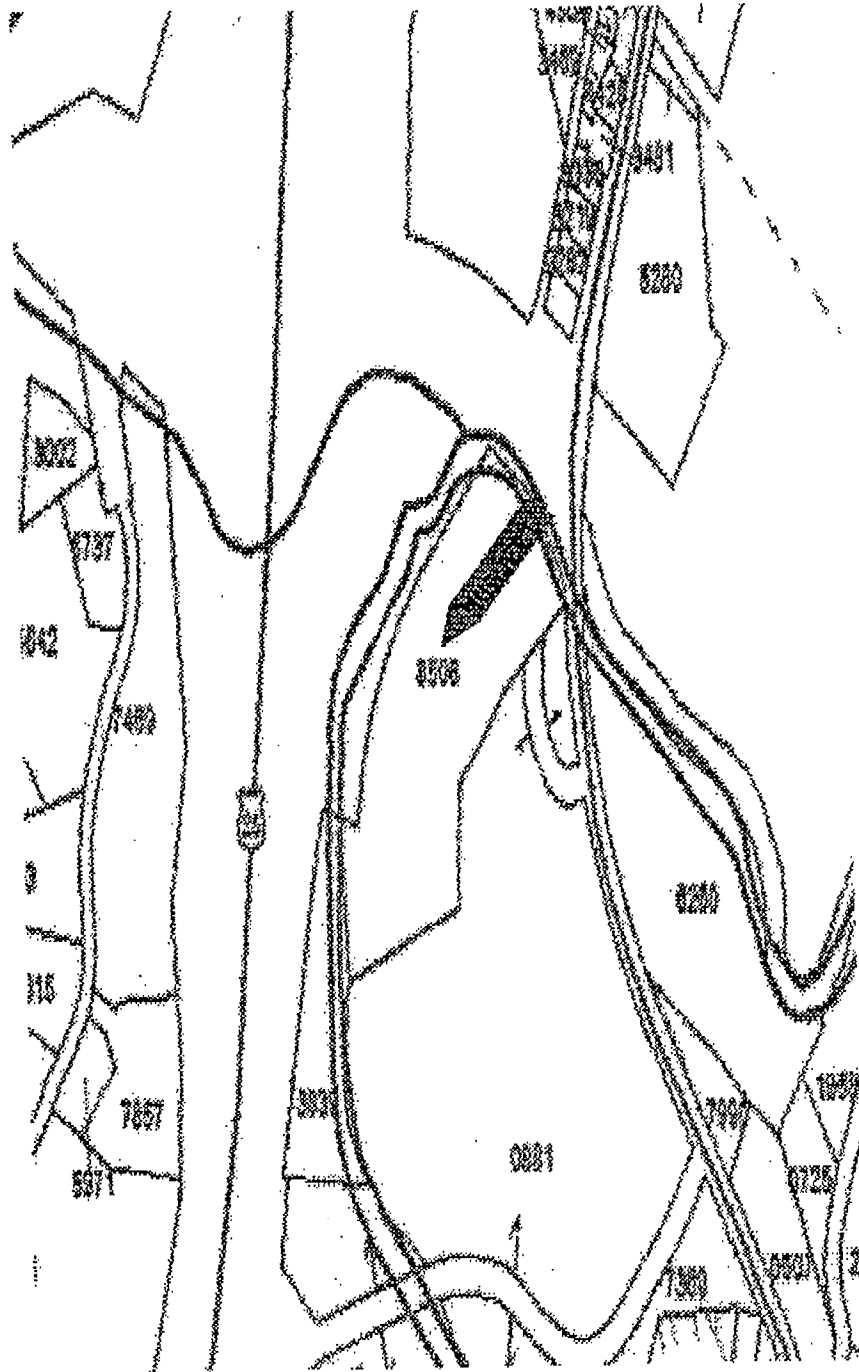
Topography in the neighborhood is primarily level to gently sloping.

Primary development in the neighborhood is commercial and retail and highway businesses with some residential in the area. It appears to be in a mature or stable stage of its life, although some new development is occurring in the area. Some roadside commercial development also exists in the neighborhood.

The subject property is subject to the zoning policies of the county. Property assessments are made under Henderson County authority and real estate taxes include county rates and the Green River fire district fee.

Conclusion: Subject's neighborhood is projected to be stable to increasing in value because of the increase in population and tourism and the increasing scarcity of available land along the main highways, thus increasing demand away from the highways and downtown Hendersonville. The location of subject property within the neighborhood is considered average, as it possesses typical access and utility for a property of its type.

**NEIGHBORHOOD MAP**



## DESCRIPTION OF THE PROPERTY

*Subject property consists of approximately 6.93 acres or 301,871 square feet. An analysis of the subject site is particularly important in estimating the highest and best use of the property. The following is a discussion of the most important factors.*

Information was obtained from various public sources in Hendersonville including, but were not limited to, Henderson County professionals familiar with local real estate.

### Size:

The subject property consists of approximately 6.93 acre (301,871 square feet) of land according to the tax map rendering of the property. No current survey was provided by the client. For purposes of this appraisal the 6.93 acre site indicated on the tax survey was used.

### Legal Description:

The subject property apparently may be described legally as a that tract of land referenced in the deed contained in the Addenda to this report, which comes from the Henderson County Public Registry. The parcel and ID numbers are PIN #9575108506-55. The apparent deed book reference is Deed Book 906, Page 052, Henderson County Registry.

### Location:

The subject site is located off Old US Highway 25, Tuxedo, NC 28784.

### Access:

The major roadways providing access to the area are I-26, US Highway 25 and Highway 225. In the immediate area is a state-maintained, two lane asphalt roadway. Commercial access to the property would typically be along Highway 25.

### Physical Characteristics:

The irregular shape parcel contains approximately 301,871 square feet. The property is mostly level. A section of the narrow river is at the side and back of the property. Additionally, according to the owner, the property carries with it the right of access along a 25 feet wide strip for approximately 2500 lineal feet upstream from property along property belonging to adjoining owners, for sand dredging operations.

### Off-Site Improvements:

The property is surrounded by public, two way access street, Old Highway 25. The US Highway 25 Connector, from Interstate 26 to SC, is located to the rear of the property.

### Restrictions:

The subject tract is located in the Green River fire district, in an area zoned OU (Open Use).

### Flood Plain:

According to the Federal Insurance Administration, Panel Number 370125 0135B, dated January 20, 1982, in which the subject property is located.

### Easements:

Standard utility and access easements are located at the road beside the property with utilities including electricity, gas and telephone.

### Utilities:

The subject is located in Tuxedo. Utilities currently available nearby include electricity by Duke Power, telephone service by Bell South, and natural gas by Public Service of North Carolina.

### ZONING

*Subject is zoned OU (Open Use).*

The subject is located in Henderson County and is zoned OU (Open Use)

There are no other known restrictions or easements that would adversely affect the property. Typical utility easements common to most properties of this type are not considered adverse.

### ASSESSED VALUE AND TAXES

*The 2005 tax assessment for subject shows a total value of \$51,100.*

The subject property is identified by the Henderson County Tax Authority as PIN #9568-77-8343-55. The chart below indicates values assessed for the land and improvements and total assessed value.

<b>Assessed Value:</b>	
Land	\$ 51,100
Improvements	\$ N/A
<b>TOTAL</b>	<b>\$ 51,100</b>

Tax rates are \$.515/\$100 valuation for the county and \$.075/\$100 valuation for the county in 2004. The taxes on the \$51,100 assessed value is \$301.49 on the entire large tract of land (undivided at this time).

### HISTORY OF THE PROPERTY

Ownership of the PIN # 9575-10-8506-55 is John D. Bell. It consists of a 6.93 acre that was family property and is now owned by Dr. John D. Bell.

According to the owner, the property consists of land that has been in the family for most of the last century. It has mainly been used for agricultural purposes, although a small fruit and vegetable stand, with well, once stood on a front corner of the property. At one time in recent years, a Christmas tree farm was there, but it proved not to continue to be economically viable. Many years ago, perhaps as far back as the 1920's, a sand dredging operation was also placed on the property, extracting as much as 50,000 tons of sand annually.

In recent years, the land has been leased with a verbal agreement for about \$400 per year for agricultural purposes. In addition, the owner has allowed a third party to dredge sand. He does not know the current output of these sand dredging operations, and no written agreement is known to exist. Any income received from this third party agreement appears to be incidental in nature, and it is not believed that significant income accrues to the property because of it. According to Dr. Bell, current arrangements with this unnamed third party are for a trade of goods and services. For instance, several years ago, when a road construction company was extracting significant quantities of sand for road building purposes, he traded the right to extract sand for pavement of his personal home driveway. Since that time, according to Dr. Bell, demand for the type of sand that can be taken from the river has significantly diminished. Today, only a fraction of the volume of sand once extracted is being removed.

### HIGHEST AND BEST USE

*Due to limited demand for properties of this type in the area, the subject property appears to have economic viability Highest and Best Use for investment purposes, to be held for possible future residential or small-scale commercial use, with an interim use for agricultural type purposes and sand dredging.*

According to The Appraisal of Real Estate, Tenth Edition, copyright 1992, page 275, as published by the Appraisal Institute, highest and best use may be defined as:

**"...the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value."**

The procedure used in this report to estimate the highest and best use of the subject site was to consider, in sequence, the site's legally permitted uses, the physically possible uses, the feasible uses, and finally the optimum, or highest and best use. Under the highest and best use premise, the property must be considered as if the site were vacant. A discussion of each of the criteria follows.

#### Highest and Best Use as Vacant

##### Physically Possible

Size, topography, and the availability of utilities are generally considered some of the most important factors in determining the uses to which a tract may be developed.

The subject tract contains approximately 6.93 acres or 301,490 square feet of land, which is adequate for most types of use such as currently exist in the neighborhood. More specifically, the property appears to have a potential highest and best use in line with possible residential and commercial development currently existing in the neighborhood, although other physical uses could be possible.

In analyzing the most feasible use as if vacant, we have considered the factors previously listed. It would appear that the highest and best use, as if vacant, is for residential or possible small-scale commercial purposes.

##### Legally Permitted:

Private (deed) restrictions and covenants, zoning regulations, building codes, historic district controls, environmental regulations, and in some cases the existence of a lease may preclude many potential property uses.

The subject tract is located in Henderson County and is an Open Use District. The subject's current use appears to be a legally permitted use. There are no known deed restrictions or covenants, environmental regulations, historic district controls, or burdensome building codes which would adversely affect the use of the subject property.

##### Economically Feasible:

From a financial standpoint any property use which is expected to produce a positive rate of return is regarded as being feasible. Factors dictating which property uses are feasible include those which determine the possible and legal uses as well as other important factors such as: shape, frontage, and tract location; access to the tract; adjacent property uses in the interest of conformity; location and demand, and the general neighborhood characteristics.

Subject property enjoys visibility and exposure to the motoring traffic on Highway 25. Due to limited demand for properties of this type in the area, it appears to have economic viability for investment purposes, to be held for possible future residential or small-scale commercial use, with an interim use for agricultural type purposes and sand dredging.

### MARKETING TIME

*The marketing time is estimated to be 1 year or less.*

The preceding definition of market value implies a "reasonable exposure in a competitive market" and buyers and sellers acting in their own self-interest assuming that neither is under "undue stimulus." It is difficult to estimate marketing time for commercial properties such as the subject in the local market. This is due to a number of factors including, but not limited to the following:

(1) Many listings and sales of commercial properties are not processed through the Multiple Listing service, making it difficult, if not impossible, to determine an actual marketing time for a particular property. (2) There is a large diversion in the number of days required for marketing different types of properties and, in some cases, of the same type of commercial property. (3) The quality of marketing programs varies widely between properties, resulting in unrealistic listing prices that can cause apprehension in prospective purchasers and extend marketing times. (4) Estimates of so-called experts (i.e. brokers) vary widely and may not be entirely reliable as they reinforce self-interests. (5) The number of sales of a particular property type in this market is somewhat limited so that marketing time may be skewed.

Obviously, we cannot precisely predict how long it will take to market the subject property if placed on the market. However, as the subject facility is in satisfactory condition, is in an average location and has exhibited positive returns in the past, we anticipate that the unit could be sold within twelve months at the appraised value.



Chuck McGrady

Following the completion of the initial public input process on the first draft of a Land Development Code, the county commission recognizes that there will need to be changes made to the current draft of the Land Development Code. The county commission establishes the following process and timetable for consideration of a draft Land Development Code:

1. That the Planning Board recommend changes in May 2006, to the 2020 Comprehensive Plan, including specifically the maps in that plan, consistent with more recent demographic and geographic information and public input on land uses,
2. That the Planning Board and Planning Staff develop a draft Land Development Code during the summer of 2006, and
3. That the Board of Commissioners will undertake public input and formal public comments after the Planning Board provides its draft Land Development Code.

Chm. substitute

Justin # 2, 1200. - hand-out

Chuck withdrew motion. (above)

#2, #1442 Bill m. take all info — #2, #1451  
rec. pub. input throughout county.  
Adopt L. Dev. Code by Dec. 1, 2006, — #1550  
V. + C.  
unan.

Chuck McGrady made a lengthy 3-part motion.

Discussion.

Chuck withdrew his motion.

Chairman Moyer made the motion to take all the information that has been accumulated and send the current draft of the Land Development Code back to the Planning Board and Planning Staff and request that they come back to the Board of Commissioners with a specific time table with respect to the development of the Land Development Code. The Board will undertake to have public input throughout the county and that the Board's goal is to accomplish the adoption of the Land Development Code by December 1, 2006.

Vote was unanimous to approve the motion.

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**Henderson County, North Carolina**  
**Draft Land Development Code/County Comprehensive Plan**  
**-Timetable for Key Events-**

March 2006 – May 2006	Planning Board Reviews County Comprehensive Plan, Solicits Public Input, and Develops Recommended Amendments (if any)
May 2006	Planning Board's Recommended Comprehensive Plan Amendments (if any) Presented to the Board of Commissioners
June 2006 – August 2006	Board of Commissioners Review Recommended Comprehensive Plan Amendments (if any), Solicit Public Input, and Adopt Amendments (if any)
June 2006 – July 2006	Planning Board Develops Recommended Draft Land Development Code Based on Adopted Amendments (if any) to the Comprehensive Plan
August 2006	Planning Board's Recommended Draft Land Development Code Presented to Board of Commissioners
August 2006	Board of Commissioners Reviews Recommended Draft Land Development Code and Associated Staff Recommendations
September 2006	Board of Commissioners Determines Public Input and Adoption Processes for Draft Land Development Code

**Other Issues to Consider**

New County Manager Begins Work (March 2006)

Budget Development Process (March 2006 – June 2006)