

REQUEST FOR BOARD ACTION
HENDERSON COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: June 17, 2020

SUBJECT: Approval of Lease to MSD of Buncombe County

PRESENTER: Charles Russell Burrell
Marcus Jones

ATTACHMENT(S): Draft Agreement

SUMMARY OF REQUEST:

Staff has negotiated a lease of space in 100 N. King Street to Metropolitan Sewerage District of Buncombe County. It is presented to you today for approval.

Staff will be available to answer additional questions if the Board desires.

BOARD ACTION REQUESTED:

Approval of the agreement.

If the Board is so inclined, the following motion is suggested:

I move that the Board approve the proposed Lease, and authorize staff to execute the same.

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

LEASE AGREEMENT

This Interlocal Agreement, pursuant to Article 20 of Chapter 160A, is made by and between the County of Henderson, a body corporate and politic of the State of North Carolina ("the County") and the Metropolitan Sewerage District of Buncombe County, North Carolina, a body corporate and politic of the State of North Carolina ("the District").

Facts Leading to Agreement:

- A. The County and the District have discussed leasing a portion of the County's King Street Office Building to the District, so that the District will have a physical presence within the County permitting offices. This presence is desired due to the merger of the Cane Creek Water and Sewer District with the District.
- B. It is the intent of the parties that this presence by the District will:
- (1) Facilitate a single location for the residents within the Henderson County portion of the District to obtain all land development information and permits.
 - (2) Provide a better opportunity for District and County staff to communicate regarding permitting and inspection issues associated with planned and active projects.
 - (3) Provide citizens and staff an opportunity to resolve issues that may arise in the development process in a central location accessible to both District and County residents.

Statement of Agreement

The parties agree as follows:

- (1) The County hereby leases to the District office space in the County's office building at 100 North King Street, or such other premises as the parties may later agree (such office space hereafter "the leased premises"), suitable for a satellite location of the Planning and Development Department of the District.
- (2) The leased premises consist of 90 square feet, and is part of a larger area. The larger area space may contain County files and may periodically be a shared space by other County staff.
- (3) The initial term of this lease shall be five (5) years, beginning 1 July 2020. However, unless either party shall give notice of the intention to terminate this provision at least six (6) months prior to the end of the term (that is, not later than 31 December 2024), then the lease shall be extended for another term of five (5) years. The District or the County may terminate this lease without penalty, prior to the end of the initial term or any subsequent term on 60 days written notice to the other party.
- (4) The District will pay to the County as rent the sum of Ten Dollars (\$10.00) per square foot of the leased premises per year, beginning 1 July 2020.

MSD OF BUNCOMBE COUNTY, N.C.

By _____

Thomas E. Hartye, P.E.
GENERAL MANAGER

Date _____

W. Scott Powell, MSD Director of Finance

“This instrument has been pre-audited in the manner required
by the Local Government Budget and Fiscal Control Act”

HENDERSON COUNTY, N.C.

By _____

Title _____

Date _____