

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: August 19, 2020

SUBJECT: Board of Education surplus property

PRESENTER: Charles Russell Burrell

ATTACHMENT(S): Henderson County Board of Public Education
Resolution
GIS map of subject property

SUMMARY OF REQUEST:

The Henderson County Board of Public Education (“BPE”) proposes a swap of real property with the City of Hendersonville. Under the terms proposed, the BPE would swap the property located at 1001 North Main Street (colloquially, “Edwards Park”) to the City of Hendersonville for the Berkley Mills Park property.

Before the BPE can convey real property, it must, under N.C. Gen. Stat. §115C-518, first declare the property surplus, and “offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards.”

BPE proposes that your board opt to not acquire this property. If you so decide, BPE will be free to make disposition of the property in accord with the laws of North Carolina, which allow for the type swap proposed.

This item was discussed at the July 15, 2020 Board of Commissioners’ meeting and tabled until August 19, 2020.

County staff will be present and prepared if requested to give further information on this matter.

BOARD ACTION REQUESTED:

Determination of whether the County wishes to acquire the property at issue.

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

I move that the Board decline to acquire the real property declared surplus by the Board of Education.

**RESOLUTION DECLARING
SCHOOL PROPERTY SURPLUS**

June 8, 2020

WHEREAS, the Henderson County Board of Education (the "Board") owns approximately 2.46 acres of real property located on 1001 North Main Street in Hendersonville, North Carolina, Deed Number 000825/00670, Pin Number 9569704782, the same being shown on the Henderson County Tax Parcel Report attached hereto as Exhibit A (the "Property") and further being the following parcel identified by Real Estate Identification ("REID") number 9948809;

WHEREAS, the Property is no longer needed for public school purposes;

WHEREAS, N.C. Gen. Stat. § 115C-518 provides that when, in the opinion of the Board, the use of any building site or other real property or personal property owned by the Board is unnecessary or undesirable for public school purposes, the Board may dispose of such property according to the procedures prescribed in Article 12 of Chapter 160A of the North Carolina General Statutes, after first having offered said property to the county; and

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-274, the Board desires to exchange the Property with the City of Hendersonville ("City") for certain real property owned by the City located at the Berkeley Mills Park on 69 Balfour Road, Deed Number 001363/00221, Pin Number 9660502582 ("Berkeley Mills Park") for the potential purpose of constructing an athletic complex for athletic programs; and

WHEREAS, the Board and the City are governmental units as defined in N.C. Gen. Stat. § 160A-274.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Property is hereby declared surplus and unnecessary for public school purposes.
2. The Superintendent is authorized to offer, for appropriate consideration, the Property to the Henderson County Board of Commissioners ("County"), as prescribed in N.C. Gen. Stat. § 115C-518.
3. That, if the County chooses not to purchase the Property, the Superintendent and the Board Chair, pursuant to N.C. Gen. Stat. § 160A-274, are authorized to negotiate and enter into an agreement on such terms and conditions as they deem wise to exchange the Property with the City for the Berkeley Mills Park property described herein.

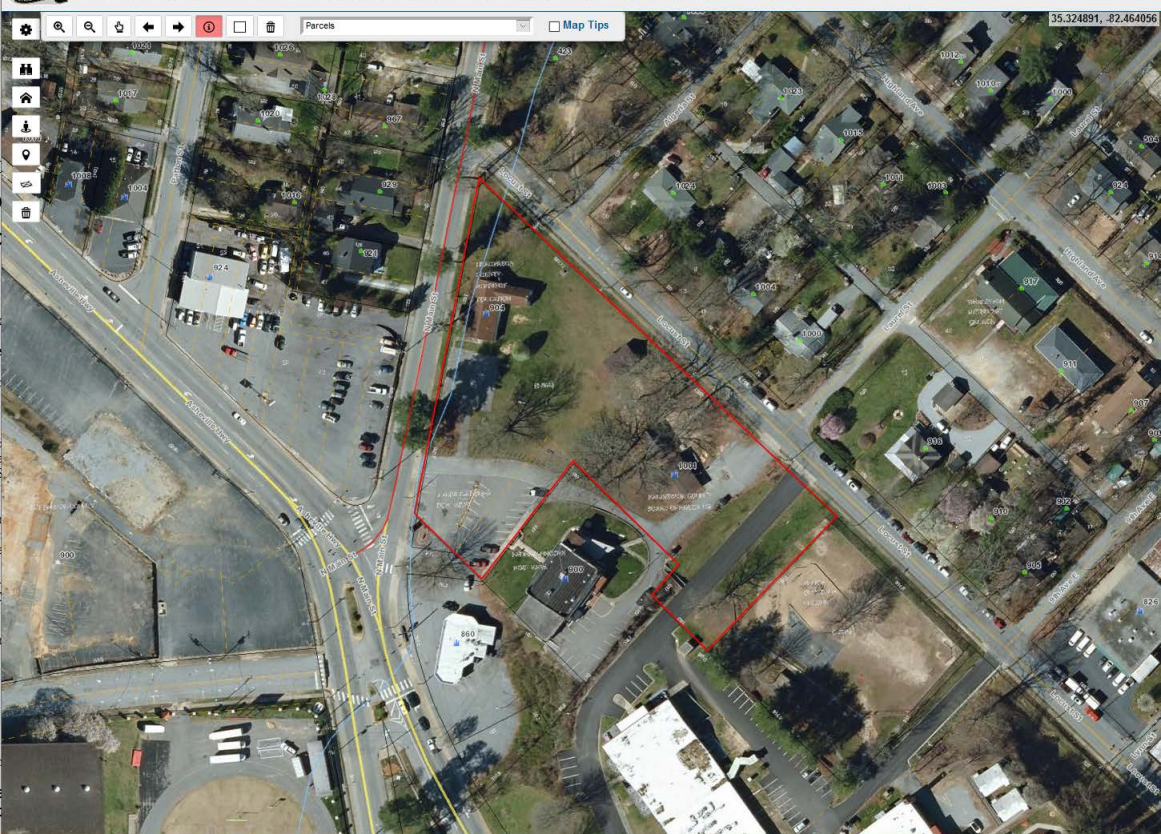
READ, APPROVED AND ADOPTED, THIS THE 8th DAY OF JUNE, 2020.



Mr. Blair Craven
Board Chair



Bo Caldwell
Superintendent and Ex-Officio
Secretary



Listed To: HENDERSONVILLE BOARD OF EDUCATION
Physical Address: 1001 N MAIN ST
REID: 9948809
PIN: 9569704782
Plot: Not Available
Deed: [825 / 670](#)
Date Recorded: 1993/07/28
Municipality: HENDERSONVILLE