

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: April 3, 2023

SUBJECT: Offer by Henderson County Board of Public Education of the Option to Acquire Surplus School Real Property

PRESENTER: Charles Russell Burrell

ATTACHMENTS: “Resolution Declaring School Property Surplus”

The Board has received a copy of a resolution of the Henderson County Board of Public Education declaring that 1.05 acres of property located on their site at 414 Fourth Avenue West in the City of Hendersonville is surplus property. The property is a portion of Henderson County geographical information system PIN 9568676778, and is understood to be the field located south of the “Rosa Edwards”, the Henderson County Public Schools’ Administrative Offices. This property is adjacent to and bounded on the east by the parking area of the Henderson County Public Library main branch.

Pursuant to N.C. Gen. Stat. §115C-518, when real property is found by a board of education to be “unnecessary or undesirable for public school purposes”, then such the board of county commissioners in such county “shall be afforded the first opportunity to obtain the property. The board of education shall offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards. If the board of commissioners does not choose to obtain the property as offered, the board of education may dispose of such property according to the procedure” provided in the relevant statutes.

According to the Resolution, attached, if your Board determines not to acquire the property it is intended to be exchanged with the City of Hendersonville.

BOARD ACTION REQUESTED:

Determination of whether to attempt to acquire the real property.

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

I move that the Board decline the opportunity to acquire the property described in this agenda item.

RESOLUTION DECLARING
SCHOOL PROPERTY SURPLUS

February 13, 2023

WHEREAS, the Henderson County Board of Public Education (the "Board") owns approximately 1.05 acres of real property located on 414 4th Avenue West in Hendersonville, North Carolina, Deed Number 000824/00216, Pin Number 9568676778;

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 the north side of 69 Balfour Road, Deed Number 001363/00221, Pin Number 9660502582, consisting of 21.30 acres as shown on that plat recorded in Plat Book 2022 at Pages 14587 ("Berkley Remainder Tract") 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.

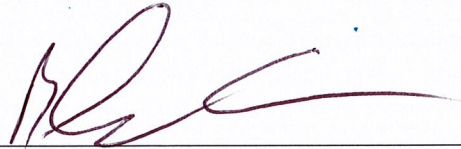
NOW THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:

1. The Property is hereby declared surplus and unnecessary for public school purposes.

2. The Superintendent is authorized to offer, for possible 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 negotiate to acquire the Property, the Superintendent and the Board Chair, pursuant to N.C. Gen. Stat. § 160A-274, are authorized to complete the exchange of the Property with the City for the Berkley Remainder Tract property described herein as previously approved by the Board of Education and as set forth in Deed Book 3998 at Page 680.

READ, APPROVED AND ADOPTED, THIS THE 13th DAY OF FEBRUARY
2023.



Mr. Blair Craven
Board Chair



Mark Garrett
Superintendent and Ex-Officio
Secretary