

RESOLUTION DECLARING SURPLUS PROPERTY
ECUSTA ROAD, LOT 1, BREVARD, NC 28712

WHEREAS, the Transylvania County Board of Education (“Board”) owns certain real property located at Ecusta Road, Lot 1, Brevard, NC 28712 (PIN# 8596-49-2895) consisting of approximately 0.842 acres and further described in Plat Book 6 Page 353 in the Transylvania County Registry (“Property”);

WHEREAS, the Property is currently being used as a baseball field by the Transylvania Little League (“League”) and is no longer being used by Transylvania County Schools 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;

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-274, the Board desires to enter into an interlocal governmental agreement with the City of Brevard (“City”) for a long-term lease of the Property and the City’s continue use of the Property as a baseball field for the League; and

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

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

1. That the Property be declared surplus and unnecessary for public school purposes;
2. That the Superintendent be authorized to offer, for appropriate consideration, the Property to the Transylvania 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, pursuant to N.C. Gen. Stat. § 160A-274, is authorized to negotiate and enter into an interlocal governmental agreement (“Agreement”) with the City for a long-term lease of the Property for the sum of one dollar (\$1.00) per year and other valuable consideration;
4. Should be City sublease the Property to the League, which shall be expressly permitted under the Agreement, any financial consideration between the League and the City, if any, for said sublease shall be remitted to the Board as further consideration for the Agreement;
5. Any financial proceeds acquired by the Board as a result of the Agreement or the sublease between the City and League shall be used to reduce the County’s bonded indebtedness as prescribed in N.C. Gen. Stat. § 115C-518; and
6. If the Agreement is terminated, at the time of said termination, if, in the Board’s opinion, the Property is still unnecessary and undesirable for public school purposes, the Board will re-offer the Property to the County pursuant to N.C. Gen. Stat. § 115C-518 prior to otherwise disposing of it pursuant to Article 12 of Chapter 160A of the North Carolina General Statutes.

READ, APPROVED AND ADOPTED, THIS THE 22ND DAY OF JANUARY 2019.

Board Chair

Superintendent and Ex-Officio Secretary