

**TRANSYLVANIA COUNTY BOARD OF EDUCATION
RESOLUTION DECLARING SURPLUS 41 CONFEDERATE LANE**

WHEREAS, the Transylvania County Board of Education (hereinafter “Board”) finds that upon the May 6, 2024 *Amended Default Judgement* of the General Court of Justice Superior Court Division, civil action number 23-CVS-337, the Court found the property at 41 Confederate Lane, Brevard, Transylvania County North Carolina (the “Property”) a public nuisance; and

WHEREAS, the Property, parcel no. 8564-62-4660-000, is located in Deed Book 001116, at page number 000592 in the Transylvania County Register of Deeds; and

WHEREAS, the Property having been declared a public nuisance, the Court, pursuant to North Carolina General Statutes §§19-6, 19-1.3, 19-1(c), and any other section of Chapter 19, Article 1 of the North Carolina General Statutes, forfeited “[a]ll personal property, monies, contents, and other considerations used in conducting and maintaining said nuisance,” as well as, vested the “Defendant’s ownership and possessory interest in the Property,” to and in the Transylvania County Board of Education; and

WHEREAS, the Board finds that they now own said Property at 41 Confederate Lane, Brevard, Transylvania County, North Carolina; and

WHEREAS, the Property will not be necessary or useful for school purposes and the Board desires to dispose of the parcel as permitted by applicable law; and

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 owned by the Board is unnecessary 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 offering such property to the County for acquisition; and

WHEREAS, it is the intent of the Board to attempt to obtain fair market value of the school Property via private offer and public upset bid process pursuant to N.C. Gen. Stat. §160A-269, or by other means authorized for the sale of real property by Chapter 160A, Article 12 of the North Carolina General Statutes;

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

Section 1. The Property located at 41 Confederate Lane, Brevard, Transylvania County, North Carolina is hereby declared surplus.

Section 2. The Superintendent is authorized to offer, for appropriate consideration, the Property located at 41 Confederate Lane, Brevard, Transylvania County, North Carolina, to the Transylvania County Board of Commissioners for acquisition, as prescribed in N.C. Gen. Stat. § 115C-518. Upon receipt of the County’s resolution declining, or other action to obtain the Property, the Superintendent is thereafter authorized to market the Property for sale, subject to the general advice and direction of the Board.

Section 3. The Superintendent shall present any offer to purchase the Property to the Board for further action.

Adopted at the regular meeting of the Transylvania County Board of Education, this _____ day of _____, 2024, upon motion by Board Member _____ seconded by Board Member _____, and _____ by a vote of _____ in favor and _____ against.

Mr. Richard K. Jackson, Board Chair

Date

Attest

Dr. Lisa Fletcher, Superintendent

Date