

STAFF REPORT

TO: Mayor and City Council

DATE: 6/10/08

FROM: Robert W. Oast, Jr., City Attorney

SUBJECT: Resolution objecting to sale of property in City-County Plaza by
Buncombe County

Summary Statement: The consideration of a resolution regarding sale of property in City-County Plaza by Buncombe County

Review and Analysis: The City of Asheville and Buncombe County have a long history of cooperation in the operation and management of the area known as City-County Plaza. In November of 2006, Buncombe County sold part of the property that it owns in this area into private hands.

The attached resolution describes the history of cooperation, with reference to certain transactions. The resolution expresses Council's objections to the November 2006 sale, and requests that the County undertake to re-acquire it.

Recommendation. A proposed resolution is attached for Council's consideration.

Attachment:
(1) Resolution

RESOLUTION NO. 08-

RESOLUTION OBJECTING TO SALE OF LAND IN CITY-COUNTY PLAZA BY
BUNCOMBE COUNTY

WHEREAS, the area located between Davidson Drive on the east, College Street on the north, South Spruce Street on the west, and Marjorie Street on the south (not including the property occupied by the Hayes & Hopson building) is known as City-County Plaza; and

WHEREAS, City-County Plaza has historically been operated by the City of Asheville and Buncombe County as a park and civic plaza, as shown by various transactions, including the following:

1. Part of what was to become City-County Plaza was conveyed to Buncombe County in 1901 by George Pack for use as a courthouse and county offices;
2. An act authorizing the acquisition of property by Buncombe County and the City of Asheville for a courthouse and municipal buildings, and validating certain prior conveyances, was adopted by the North Carolina General Assembly in 1927 (N.C. Sess. L. 1927-155).
3. Part of what was to become City-County Plaza was, by cross deeds executed in 1928, placed into joint ownership by the City and County as tenants in common;
4. The development and use of City-County Plaza, including the City Building and the Courthouse, was the subject of an agreement between the City and the County entered into in 1929; and
5. The renovation of Pack Square and City-County Plaza was the subject of an agreement entered into by the City, the County, and the Pack Square Conservancy in 2001; and

WHEREAS, the land on the southern edge of City-County Plaza that was sold by Buncombe County in November of 2006 (Deed Book 4321 at page 342, Buncombe County Registry) (herein "Subject Property") is part of the property conveyed to the County in 1901 by George Pack, is wholly or partly within the area covered by the above-referenced agreements, and was conveyed by the County without notice to or consultation with the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Council objects to the sale by Buncombe County of the Subject Property as described above, and further objects to the conveyance by Buncombe County of any property located in the City-County Plaza / Pack Square Area without consultation with the City.
2. The City Council respectfully requests that the Board of Commissioners of Buncombe County undertake to re-acquire the Subject Property or otherwise ensure that it remains part of City-County Plaza and open to and available for the use and enjoyment of the public in perpetuity.

Read, approved and adopted this 10th day of June, 2008.

City Clerk

Mayor

Approved as to form:

City Attorney