

RESOLUTION # \_\_\_\_\_

RESOLUTION ENCOURAGING A LAND SWAP BETWEEN THE CITY OF ASHEVILLE  
AND BLACK DOG REALTY AND SWAG HOLDINGS  
AND  
INTENT TO ESTABLISH PUBLIC PARK

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WHEREAS, the Board of Commissioners for the County of Buncombe recognizes that 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 (excluding the property occupied by the Hayes & Hopson Building) is known as City-County Plaza and that separate property located in the area of the Vance Monument known as Pack Square is located to the west;

WHEREAS, portions of City-County Plaza are owned by the County and portions are owned jointly by the City and County, and since the late 1920's the City of Asheville and the County of Buncombe have cooperated in the development and uses of City-County Plaza;

WHEREAS, following a resolution of intent to convey property, the publication of legal notice of receipt of bid, and a resolution for authorization to convey property heard at a regular meeting under new business, the County did on or about November 21, 2006 convey a portion of its land on the southern edge of City-County Plaza by deed recorded in Book 4321, Page 342 Buncombe County Registry;

WHEREAS, by resolution dated June 10, 2008, the City has formally objected to, and this Board acknowledges that, this conveyance was made without prior consultation with the City, and the City requested thereby that the County undertake to re-acquire the property or ensure that it remains a part of the City-County Plaza area;

WHEREAS, while maintaining that this transaction was legal in all respects, this Board further understands that, while a number of citizens have expressed displeasure with the sale, the sale cannot be revoked; and

WHEREAS, this Board will require the assistance of the City to resolve the present situation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That this Board hereby respectfully requests that the City of Asheville agree to a land swap with Black Dog Realty and Swag Holdings such that any development by these entities for Parkside Condominiums, or any other project, be conducted in conformance with the approved Pack Square Conservancy guidelines and current City policies. This Board further respectfully requests that the City issue a letter of intent committing to such a land swap within thirty (30) days.

2. That to help defray the costs associated with relocating any streets, utilities or parking as required by such a land swap, this Board will pay to the City of Asheville an amount equal to the appraised value per square foot of the Black Dog Realty and Swag Holdings properties as they currently exist for the total square footage of land to be added to the southern edge of the City-County Plaza area resulting from any land swap between the City of Asheville and Black Dog Realty and Swag Holdings.
3. That should the City of Asheville determine that a land swap is not feasible for any reason then this Board shall continue to work on other options including trying to reacquire the property.
4. That upon completion of such land swap or re-acquisition of the property by the County this Board will then take all actions necessary to cause the City-County Plaza area to be made a public park or place such that no inhabitable structures may be built, placed or affixed in that area by creating a joint ownership or easement with the City; further, that such similar measures as might be necessary will be taken for the continued use as a public square, park or place of the area near the Vance Monument known as Pack Square as is currently owned for such purposes by the heirs of George W. Pack.
5. That the County will cause a survey to be completed of the entire City-County Plaza and Pack Square areas for these purposes.
6. That this resolution shall be effective upon its adoption.

This the \_\_\_\_ day of June, 2008.

ATTEST

BOARD OF COMMISSIONERS FOR THE  
COUNTY OF BUNCOMBE

\_\_\_\_\_  
KATHY HUGHES, CLERK

BY \_\_\_\_\_  
NATHAN RAMSEY, CHAIRMAN

APPROVED AS TO FORM

\_\_\_\_\_  
COUNTY ATTORNEY