RESOLUTION NO. _____

A RESOLUTION GRANTING THE COUNTY MANAGER AUTHORITY TO ACQUIRE A PARCEL OF PROPERTY LOCATED AT 7 S. TUNNEL ROAD FROM PENNEY PROPERTY SUB HOLDINGS, LLC.

WHEREAS, pursuant to N.C. Gen. Stat. § 153A-158, Buncombe County may acquire and convey real property; and

WHEREAS, Penney Property Sub Holdings, LLC owns certain real property located at 7 S. Tunnel Road, Asheville, NC and being a 6.236-acre parcel set forth and described in Deed Book 5993, Page 1149 Buncombe County, North Carolina Registry and identified on the Buncombe County tax records as PIN No. 9658-14-3261 (herein "Property"); and

WHEREAS, the County wishes to purchase the Property from Penney Property Sub Holding, LLC and the associated easements for access and parking to develop an Emergency Operations Center; and

WHEREAS, the purchase price is $5,000,000 as set forth the offer to purchase dated February 11, 2026 between the Penney Property Sub Holding LLC and the County; and

WHEREAS, the purchase price for the 6.236 acres and right of way access to the property is considered fair market value for the land, building and right of way.

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY BOARD OF COMMISSIONERS:

1. That the County Manager is hereby authorized to acquire the Property along with the necessary right of ways for ingress, egress and utilities from Penny Property Sub Holdings, LLC for an amount not to exceed $5,000,000.00 and execute any documents necessary to complete the land transfer transaction.

2. Prior to the Closing Date, should the County Manager find a material issue with the Property, the County Manager has the authority to terminate the purchase or renegotiate the terms of the sale on behalf of the County.

3. That the closing transaction is subject to the approval of the County Attorney, and the transaction is further subject to pre-audit in the manner required by the Local Government Budget and Fiscal Control Act by the Finance Director.

4. Any document signed by the County Manager involving this transaction is hereby retroactively approved.

5. That this resolution is effective upon adoption.

This the 2nd day of June 2026.

ATTEST

_____
Sarah Gross, Clerk

BOARD OF COMMISSIONERS FOR THE COUNTY OF BUNCOMBE

By: _____
Amanda Edwards, Chair

APPROVED AS TO FORM

_____
Curtis W. Euler, County Attorney