THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: February 22, 2022

Subject: A lease is needed to formalize the operation of the Oakley Library on City Property at 749 Fairview Road

Staff Resource(s): Ellen McKinnon, Real Estate Coordinator & Nikki Reid, Community & Economic Development Director

Action Requested: Adoption of a resolution authorizing the City Manager to execute a lease with Buncombe County for the Oakley Library.

Background:

- The City of Asheville owns a 0.88 acre parcel at 749 Fairview Road and several uses are contained within the site (PIN 9657-58-2870-00000).
- At this property, Buncombe County has operated the existing Oakley Library for many years based on a verbal agreement.
- Buncombe County has operated the Oakley Library at this location since 1964.
- The arrangement was authorized by a verbal agreement between the government entities in the early 1960's.
- The land and the building are owned by the City of Asheville and house a community center on the lower level, Fire Station #9, public restrooms and a lobby in addition to the Library.
- There is a shared gravel parking lot on the ground level.
- The City's Real Estate Division approached Buncombe County's Director of Libraries in late 2020 asking that the tenant/landlord relationship be formalized with a lease.
- The terms of a lease include a five year term, joint use of the parking lot, use of shared restrooms and a yearly rent of $1.00.
- The County must operate the premises as a public lending library and maintain the interior of the premises, including plumbing, electrical and interior finishes.
- The City will continue to maintain the systems that service the entire complex, such as the roof, HVAC, exterior maintenance, etc.
- Utilities are metered separately and the City maintains the grounds.
- Library interior areas are maintained by the County.
- Any construction of improvements by the tenant must be approved by the City.

Council Goal(s):

- Well Planned and Livable Community
- Connected and Engaged Community

Committee(s):

- None

Pro(s):

- Strengthens the City's partnership with Buncombe County.
- Preserves a beloved library in the Oakley Community.
- Buncombe County will continue to maintain a portion of the building complex.

Con(s):

- City is not charging fair market rent because of the value this library brings to the community.

Fiscal Impact:

- City will be receiving one dollar per year from the leasing of this property.

Suggested Motion:

- Motion to approve a resolution authorizing the City Manager to execute a ground lease with Buncombe County for the Oakley Library.

Attachment(s)

- Resolution
- Location Map
- Building Layout

RESOLUTION NO. 22-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A GROUND LEASE TO BUNCOMBE COUNTY ON CITY-OWNED PROPERTY AT 749 FAIRVIEW ROAD

WHEREAS, pursuant to N.C. Gen. Stat. sec. 160A-274, the City is authorized to lease property to any other government entity upon such terms and conditions as it deems wise; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property located at 749 Fairview Road, identified as PIN # 9657- 58-2870-00000**;** and

WHEREAS, Buncombe County desires a five year lease (5 year) of approximately 1,890 square foot portion of said property ("Leased Premises") in order to operate a public lending library; and

WHEREAS, the lease area will not interfere with the operation of the Asheville Fire Station #9; and

WHEREAS, the lease area will not interfere with the Community Center operating in the lower level of the building; and

WHEREAS, the continued operation of the Oakley Library will benefit the citizens of the City of Asheville and Buncombe County;

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

The City Manager is hereby authorized to negotiate and execute a five year Lease Agreement between the City of Asheville and Buncombe County for a approximately 1,890 square foot portion of the building at 749 Fairview Road, PIN #9657-58-2870-00000 for the Oakley Library. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 22nd of February, 2022.

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City Clerk Mayor

Approved as to form:

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City Attorney