THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 8, 2020

Subject: Manager Delegation of Authority to Acquire Minor Interests in Real Property

Staff Resource(s): Eric Edgerton, Sr. Asst. City Attorney

Action Requested: Adoption of a resolution delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of $90,000.

Background:

- To improve efficiency, it is recommended that the City Council consider delegating authority to the City Manager to acquire interests in real property on behalf of the City up to the amount of $90,000 under certain circumstances.
- This delegation would be consistent with the City's contracting process, where the City Manager has already received a delegation of authority to execute contracts for goods and services on behalf of the City up to $90,000.
- If approved, the Manager would be authorized to acquire interests in real property when the following additional two conditions are met:
    - The City's Chief Financial Officer confirms that sufficient funds are available to pay for the cost of the real property interest, and
    - The City Attorney's Office has reviewed and approved the form of the documents by which the real property interest is acquired.
- Due to the $90,000 cap, this authority will most commonly be used to acquire easements or segments of right-of-way in conjunction with City projects.
- For purposes of clarity, the proposed Resolution will further ratify all previous easement acquisitions.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Will allow the City to more quickly and efficiently obtain easements or other minor property interests when necessary to complete City projects, including capital projects.

Con(s):

- None

Fiscal Impact:

- No direct impact.

Suggested Motion:

- Motion to adopt a resolution that authorizes the City Manager to acquire real property interests on behalf of the City up to the amount of $90,000.

Attachment(s):

- Resolution

RESOLUTION NO. 20-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE INTERESTS IN REAL PROPERTY ON BEHALF OF THE CITY UNDER CERTAIN CIRCUMSTANCES.

WHEREAS, the City of Asheville has authority pursuant to NCGS § 160A-240.1 to acquire interests in real property, including easements; and

WHEREAS, the City of Asheville has previously delegated to the City Manager the authority to enter into contracts for goods and services up to the amount of $90,000 per contract; and

WHEREAS, the City Council wishes to delegate its authority to acquire easements and/or other minor interests in real property to the City Manager under the conditions that: (1) the value of any property acquired by the City Manager not exceed $90,000, (2) the City Chief Financial Officer certifies that sufficient funds exist in the budget to acquire the subject easement or other interest in real property, and (3) the form of the easement or other interest in real property has been reviewed and approved of by the City Attorney's Office; and

WHEREAS, the authority conveyed herein shall not be construed to limit the City's authority to accept donations of easements and other real property;

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

The City Manager is hereby authorized to acquire interests in real property on behalf of the City in accordance with the conditions set forth above. 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. For purposes of clarity, City Council further hereby ratifies all previous easements that have been executed by a City Manager on behalf of the City. All prior delegations of authority to the City Manager to accept easements are superseded and replaced by this Resolution.

Read, approved and adopted this 8th day of December, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney