

MECKLENBURG COUNTY BOARD OF COMMISSIONERS

RESOLUTION

AUTHORIZING EXCHANGE OF A LEASE ON A PORTION OF TAX PARCEL 013-041-01 ALONG NECK ROAD IN THE EXTRA-TERRITORIAL JURISDICTION OF HUNTERSVILLE FOR AN ACCESS EASEMENT ON TAX PARCEL 013-181-04 ALSO ALONG NECK ROAD IN THE EXTRA-TERRITORIAL JURISDICTION OF HUNTERSVILLE

WHEREAS, the County owns Tax Parcel 013-041-01 along Neck Road in the Extra-territorial jurisdiction of Huntersville (hereinafter referred to as the “County Parcel”) which is a portion of the County’s Cowan’s Ford Wildlife Refuge; and

WHEREAS, the County is also owner of the Rural Hill Nature Preserve located along either side of Neck Road in the ETJ of Huntersville; and

WHEREAS, the County is in the process of developing a strategy to remove loblolly pine trees, which are an invasive species to the Rural Hill Nature Preserve, and to restore the property with trees native to this area of North Carolina; and

WHEREAS, the portion of Rural Hill Nature Preserve to be restored is separated from the bulk of the nature preserve by a tributary of McDowell Creek and is bordered by Mountain Island Lake on three sides; and

WHEREAS, the County needs to secure a long-term accessible route to and from this portion of the nature preserve to implement activities associated with restoring and maintaining the nature preserve and has determined that the most feasible and desirable route to and from the property is across Tax Parcel 013-181-04 which is owned by the Lewis Atkins Parks Heirs (“Parks Heirs”); and

WHEREAS, the Parks Heirs desire to lease +/- 2.25 acres of the County Parcel to graze farm animals and mow from time to time; and

WHEREAS, the County and the Parks Heirs have agreed to exchange a two (2) year access easement across the Parks Heirs property in favor of the County for a five (5) year lease of the County Parcel in favor of the Parks Heirs; and

WHEREAS, the Mecklenburg County Park and Recreation and Asset and Facility Management Departments have determined that in its opinions the County will receive full and fair consideration for the property interests to be exchanged; and

WHEREAS, pursuant to G.S. 160A-271, the Board of County Commissioners is authorized to exchange real property owned by the County for other real property by private negotiation if the County receives a full and fair consideration for its property; and

WHEREAS, pursuant to G.S. 160A-271, on March 6, 2019 the Board approved a resolution stating its intent to authorize the exchange of a lease on the County Parcel for an access easement on the Parks Heirs property and authorized publication of a notice of such intent, which notice was published in *The Charlotte Observer* as required by law; now, therefore, be it

RESOLVED that the Mecklenburg County Board of Commissioners hereby authorizes the exchange of a lease on the County Parcel for an access easement on the Parks Heirs property, authorizes the County Manager to negotiate and execute a contract for the exchange, and

authorizes and directs the County Manager to execute the deed and any other documents necessary to effectuate the exchange

APPROVED the _____ day of _____, 2019

Approved as to Form:

County Attorney

Clerk to the Board

