

From: Jon Creighton <Jon.Creighton@buncombecounty.org>
Sent: 10/3/2017 8:05:11 AM
To: cball@ashevillenc.gov
Cc:
Subject: FW: Deed restriction between Henderson to Buncombe County / 137.21 acre Ferry Road property

FYI

From: Russ Burrell [mailto:rburrell@hendersoncountync.org]
Sent: Monday, October 02, 2017 6:12 PM
To: Michael C. Frue <Michael.Frue@buncombecounty.org>
Cc: Jon Creighton <Jon.Creighton@buncombecounty.org>
Subject: RE: Deed restriction between Henderson to Buncombe County / 137.21 acre Ferry Road property

Good evening –

I spoke with each Board member before tonight's meeting, and all were in favor. They added to the consent agenda an item approving removal of the condition upon successful rezoning.

Russ

From: Michael C. Frue [mailto:Michael.Frue@buncombecounty.org]
Sent: Friday, September 29, 2017 11:51 AM
To: Russ Burrell <rburrell@hendersoncountync.org>
Cc: Jon Creighton <Jon.Creighton@buncombecounty.org>
Subject: Deed restriction between Henderson to Buncombe County / 137.21 acre Ferry Road property

Dear Russ -

Thank you for the taking the time to speak with me this morning regarding this matter. As you recall, Henderson County conveyed a 137.21 acre parcel of land as same is set forth and described in plat recorded in Plat Book 50, Page 107 Buncombe County Registry by Special Warranty Deed to Buncombe County dated April 24, 2015 and recorded in Book 5310, Page 500 in said registry. Since that time Buncombe County has been unable to sell that parcel to any commercial or industrial firm despite continued efforts. The reason being that the lay of the land does not lend itself to such uses without extensive and expensive grading. Therefore, it appears to be more suitable for residential or other private uses.

Buncombe County has a prospective buyer and is in the process of requesting that the City of Asheville rezone the parcel to residential. This request appears to be on a favorable track. However, there is concern regarding a restriction in the referenced deed which comes from an Inter-Local Agreement between Henderson County and the City of Asheville. That restriction, as contained in said deed, reads:

"3. Any conveyance of the Property shall be pursuant to NCGS 158-7.1, and shall be subject to the following:

a. Specific conditions or covenants on the use of the property for an economic development purpose, pursuant to NCGS 158-7.1."

Buncombe County requests that Henderson County release this property from such restriction should any prospective grantee or its title insurance carrier desire such release. Frankly, I am not sure what purpose maintaining this restriction serves at this point given the history of the property and the current state of affairs.

Thank you for your consideration and I look forward to hearing back from you.

Michael C. Frue
Buncombe County
Senior Staff Attorney
200 College Street, Ste 300
Asheville, NC 28801
p. 828-250-4121
c. 828-231-1572

****Email Confidentiality Notice****

This electronic transmission is private and confidential, and intended only for the use of the addressees and individual or entity named above. If you are not the intended recipient, you are hereby notified that any use, dissemination or distribution of this message, or any attachments, is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail immediately and destroy all copies of the original message. Thank you.

[Spam](#)
[Phish/Fraud](#)
[Not spam](#)
[Forget previous vote](#)