

Resolution #2023-6

**RESOLUTION TO APPROVE INTERLOCAL AGREEMENT
FOR ECUSTA TRAIL GOVERNANCE**

WHEREAS, Henderson County is the Tenant of the property, owned by the Ecusta Rails2Trail, LLC, a North Carolina nonprofit corporation (“*ER2T*”), obtained by *ER2T* by way of that special warranty deed recorded in Book of Record 2764 at Page 590 of the Henderson County Registry, for the development of a greenway along the former railroad corridor, running from Transylvania County to a point in Henderson County (the “*R2T Property*”); and

WHEREAS, the lease (the “*Lease*”) between Henderson County and *ER2T* dated November 1, 2021, for the *R2T Property* provides that the County will construct and maintain a greenway within the portions of the *R2T Property* lying in Henderson County (the “*R2T Greenway*”); and

WHEREAS, Henderson County has requested that the *R2T Property* be governed by the County’s flood damage prevention (Subpart A of Article VIII of Chapter 42 of the Henderson County Code), stormwater regulation, and water supply watershed protection (both Subpart B of Article VIII of Chapter 42) (the three together, the “Regulations”) and the City of Hendersonville and the Town of Laurel Park have agreed; and

WHEREAS, Henderson County, Laurel Park and the City of Hendersonville wish to enter into an interlocal agreement as allowed by N.C.G.S. Chapter 160A, Article 20, and N.C.G.S. Chapter 160D-202(f) and (i) to carry out these terms as agreed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Interlocal Agreement between Henderson County, the Town of Laurel Park, and the City of Hendersonville providing for the governance of the *R2T Property* by the Regulations is approved as presented.
2. The Mayor is authorized to sign the Interlocal Agreement.
3. Town of Laurel Park staff are authorized to take such actions as may be necessary to implement the terms of the Interlocal Agreement.

Adopted by the Town Council of the Town of Laurel Park, North Carolina on this ____ day of June, 2023.

By: _____
J. CAREY O’CAIN, Mayor

Date

Attest: _____

Town Clerk

Approved as to form: _____ Sharon B. Alexander, Town
Attorney