

RESOLUTION NO. 09-240

RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY LOCATED ON COLLEGE STREET FOR PROPERTY LOCATED ON WINDSWEPT DRIVE

WHEREAS, NCGS 160A-271, authorizes cities in North Carolina to exchange any real or personal property belonging to the City for other real or personal property by private negotiation if the City receives a full and fair consideration in exchange for its property; and

WHEREAS, NCGS 160A-353, authorizes cities in North Carolina to acquire real property for parks and recreation programs and facilities by gift, grant, purchase, lease, exercise of eminent domain, or any other lawful method; and

WHEREAS, the City of Asheville (hereinafter referred to as "City"), owns real property located on College Street, further described as a 3.8 +/- acre portion of PIN 9649-70-7463-00000, on the Buncombe County Tax Map; and

WHEREAS, Zealandia Holdings, LLC, owns real property located on Windswept Drive, further described as 3.77 +/- acres at PINs 9648-89-2982-00000 and 9649-80-4085-00000 , on the Buncombe County Tax Map; and

WHEREAS, WHEREAS, said properties have been appraised by Benjamin Beasley and Associates, Inc.; and

WHEREAS, said appraisals have been reviewed and a fair market value consistent with the appraisal has been established at \$250,000 for each parcel and recommended by the City's Real Estate Manager; and

WHEREAS, the City and Zealandia Holdings, LLC wish to make an even exchange of the two described properties; and

WHEREAS, the City and Zealandia Holdings, LLC agree to exchange easements and right-of-way appropriate to each parcel for utilities and access, specifically, a water line easement will be granted to the City of Asheville, an access right-of-way will be granted to Zealandia Holdings, LLC from College Street to the concrete tank area and a trail easement will be granted to the City from Zealandia Holdings, LLC on adjacent property; and.

WHEREAS, as part of this transaction, it is agreed that the City will be responsible for consolidating the water lines, and Zealandia Holdings, LLC will be responsible for removing the concrete reservoir tank on the College Street property; and

WHEREAS, notice was duly published in the Asheville Citizen-Times on November 13, 2009;

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

Pursuant to North Carolina General Statute Sec. 160A-271, the Mayor is hereby authorized to execute a deed of conveyance and all related documents in order to convey to Zealandia Holdings, LLC real property located on College Street, being a 3.8 +/- acre portion of PIN 9649-70-7463-00000, on the Buncombe County Tax Map, in exchange for the property owned by Zealandia Holdings, LLC further described as 3.77 +/- acres at PINs 9648-89-2982-00000 and 9649-80-4085-00000 on the Buncombe County Tax Map, subject to the prior approval of the City Attorney.

Read and approved and adopted this 24th day of November, 2009.

Magdalena Burleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalena Burleson
City Clerk

RESOLUTION NO. 09-241

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A NON MATCHING GRANT FROM THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT AND TRAINING/EXERCISE FUNDS TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government; and

WHEREAS, the Department of Crime Control and Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville a non-matching grant in the amount of \$135,714.00 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters;

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, for a non-matching grant in the amount of \$135,714.00 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Boulson
City Clerk

Jim Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-242

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE US DEPARTMENT OF HOMELAND SECURITY TO OBTAIN FUNDING FOR SIX ADDITIONAL FIREFIGHTER POSITIONS

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2009 SAFER grant program for the purpose of hiring additional firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of \$540,000 to obtain funding for six additional firefighter positions,

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

The fire department is hereby authorized to apply for the Fiscal Year 2009 SAFER grant with the US Department of Homeland Security, for a grant in the amount of \$540,000 to obtain funding for six additional firefighter positions.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Bouleson
City Clerk

Angela Bullen
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION NO. 09-245

RESOLUTION ALLOWING THE CITY MANAGER OR HIS DESIGNEE TO USE ELECTRONIC SIGNATURES IN ELECTRONIC COMMERCE WITH THIRD PARTIES AND TO ALLOW THE CHIEF FINANCIAL OFFICER TO USE ANY DEVICE SET FORTH IN N.C.G.S. § 159-28 TO SIGN ANY CHECK, DRAFT, PRE-AUDIT STATEMENT OR PURCHASE ORDER

WHEREAS, the City has general authority to enter into contracts pursuant to N.C.G.S. § 160A-11 and pursuant to Article 8 of Chapter 143, for the construction or repair of buildings and facilities, the purchase of apparatus, supplies, materials or equipment, general service agreements and professional service agreements; and

WHEREAS, pursuant to N.C.G.S. § 66-58.4, all public agencies may use and accept electronic signatures pursuant to North Carolina General Statute Chapter 66 Article 11A and Article 40; and

WHEREAS, pursuant to N.C.G.S. § 159-28.1, upon adoption of an appropriate resolution, the local government can use facsimile signature machines, signature stamps, or similar devices in signing checks and drafts and in signing the pre-audit certificate on contracts or purchase orders; and

WHEREAS, the City of Asheville wishes to use electronic signatures to facilitate electronic commerce with vendors and other local governments and use electronic signatures for its internal contracting process;

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

The City Manager or his designee has the authority to use electronic signatures in accordance with Article 11A and Article 40 of Chapter 66 of the North Carolina General Statutes for electronic commerce with the City in accordance with the City's contract policy and Resolution No. 02-27 or as amended. In addition, the Chief Financial Officer is hereby authorized to use any of the means, including electronic signatures, as set forth in N.C.G.S. § 159-28.1 or as amended to sign pre-audit statements and purchase orders.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Boulleson
City Clerk

Angus Bellung
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulleson
City Clerk

RESOLUTION NO. 09-246

RESOLUTION APPOINTING MEMBERS TO THE ALCOHOLIC BEVERAGE CONTROL BOARD

WHEREAS, the terms of DeRothea Williams and Ken Kaplan, as members to the Alcoholic Beverage Control Board; expired on November 13, 2009;

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

(1) Ms. DeRothea Williams, 136 Wyoming Road, Asheville, N.C. be and she is hereby reappointed to the Alcoholic Beverage Control Board, to serve an additional three year term, term to expire November 13, 2012, or until her successor has been appointed.

(2) Mr. Ken Kaplan, 304 Red Fox Circle, Asheville, N.C. be and he is hereby reappointed to the Alcoholic Beverage Control Board, to serve a three year term, term to expire November 13, 2012, or until his successor has been appointed.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Bouleson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bouleson
City Clerk

RESOLUTION NO. 09-247

RESOLUTION APPOINTING MEMBERS TO THE HOMELESS INITIATIVE ADVISORY COMMITTEE

WHEREAS, the terms of Richard Leatherman and Celeste Collins, as members on the Homeless Initiative Advisory Committee, expired on November 1, 2009;

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

(1) Mr. Richard Leatherman, 913 Woodhill Drive, Fletcher, N.C. be and he is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three year term, term to expire November 1, 2012, or until his successor has been appointed.

(2) Ms. Celeste Collins, 105 Cranford Road, Asheville, N.C., be and she is hereby reappointed to the Homeless Initiative Advisory Committee to serve a three year term, term to expire November 1, 2012, or until her successor has been appointed.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Bourleson
CITY CLERK

Jim Bellamy
MAYOR

Approved as to form:

[Signature]
CITY ATTORNEY

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-248

RESOLUTION APPOINTING A MEMBER TO THE RECREATION BOARD

WHEREAS, Pastor Spencer Hardaway has resigned from the Recreation Board, thus leaving an unexpired term until June 30, 2012;

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

Mr. Hutch Kerns, 110 Macon Avenue, Asheville, North Carolina, be and he is hereby appointed to the Recreation Board to serve the unexpired term of Pastor Hardaway, term to expire June 30, 2012, or until his successor has been appointed.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Buleson
CITY CLERK

Angie Bellamy
MAYOR

Approved as to form:

Russ J. ...
CITY ATTORNEY

Magdalen Buleson
City Clerk

RESOLUTION NO. 09-249

RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THREE (3) REMNANT PARCELS FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO IMPLEMENT PHASE II OF THE REED CREEK GREENWAY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-274 to accept real property from any governmental unit upon such terms and conditions as it deems wise, with or without consideration; and

WHEREAS, City Council identified infrastructure investment, pedestrian safety, and multi-modal transportation in their 2009 goals; and

WHEREAS, the Reed Creek Greenway is a 1.0 mile alternative, off-road transportation corridor that will connect the University of North Carolina, Asheville, the future Momentum Children's Science Museum and the Montford neighborhood to downtown Asheville; and

WHEREAS, in order to complete Phase II of the Reed Creek Greenway Project, the City in is need of three (3) remnant parcels (PIN# 9649-14-7057-00000, 9649-13-9931-00000, and 9649-23-1821-00000), owned by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, NCDOT is agreeable to conveying the aforementioned three remnant parcels to the City on the condition the properties be continuously used for the greenway purpose and when the properties are no longer needed for greenway purposes, said properties shall revert back to NCDOT; and

WHEREAS, City staff recommends the City accept the conveyance from NCDOT with the stated condition;

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

The Mayor is hereby authorized to execute any and all documents, approved by the City Attorney, to accept the conveyance of the three (3) remnant parcels (PIN# 9649-14-7057-00000, 9649-13-9931-00000, and 9649-23-1821-00000) from the North Carolina Department of Transportation for the purposes of implementing Phase II of the Reed Creek Greenway.

Read, approved and adopted this 24th day of November, 2009.

Magdalen Brulson
City Clerk

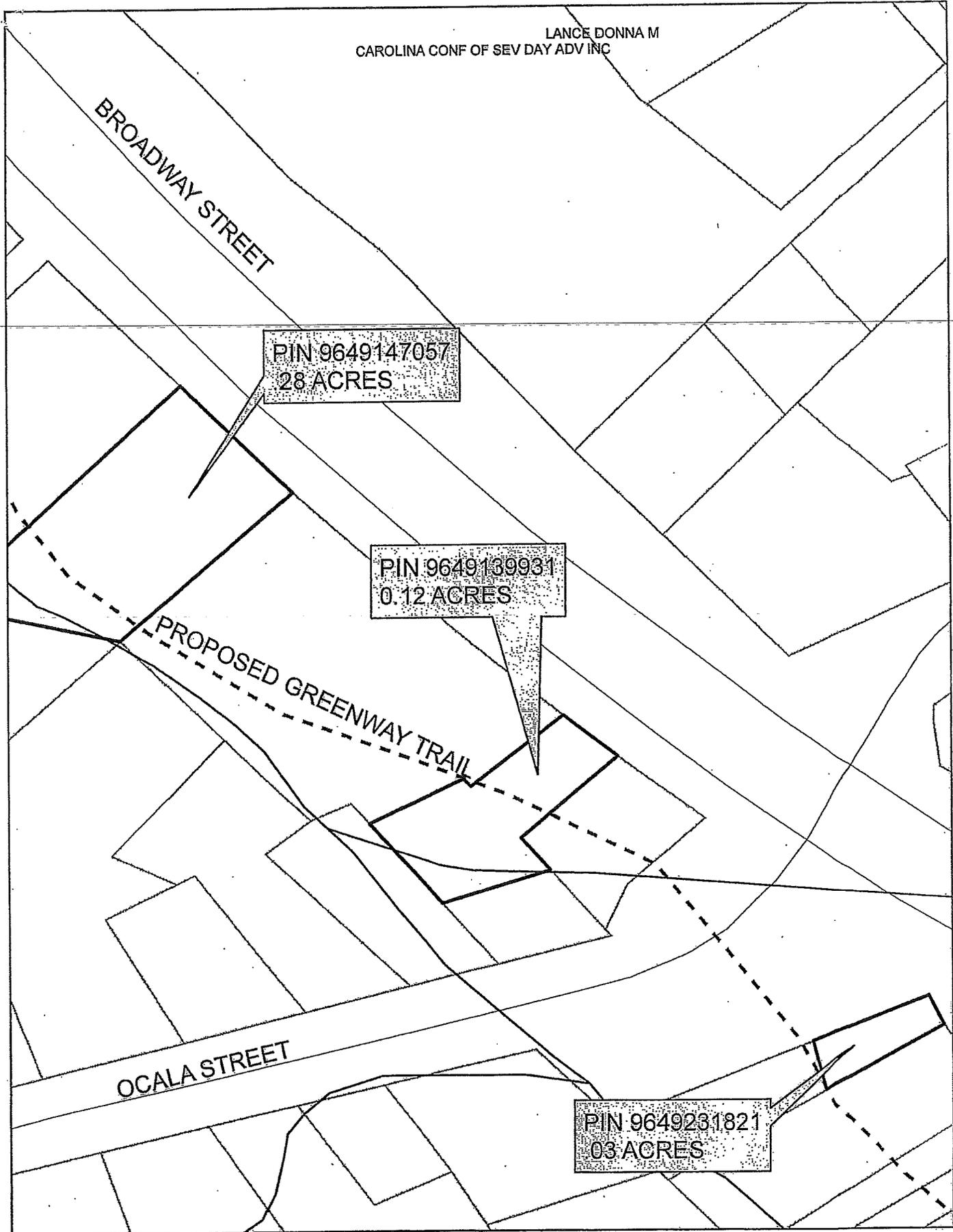
Jim Bellus
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Brulson
City Clerk

LANCE DONNA M
CAROLINA CONF OF SEV DAY ADV INC



PROPOSED NCDOT REMNANT PROPERTIES
FOR CONVEYANCE TO CITY

RESOLUTION 09- 250

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH GREEN LIGHT ELECTRIC FOR THE PROJECT KNOWN AS FAIRVIEW ROAD SIGNAL UPGRADES, TIP # U-5175/CITY OF ASHEVILLE PROJECT # ARRA 09-10-03

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Fairview Road Signal Upgrades; and

WHEREAS, Green Light Electric, of Weaverville, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$58,678.95; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for the installation of traffic signal upgrades and pedestrian signals at the intersections of Fairview Road and Onteora Boulevard/Baldwin Street and Fairview Road and Cedar Street and the installation of crosswalk markings; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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

The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with Green Light Electric in the amount of \$58,678.95 for the construction of and further authorized to execute any change orders to said contract or documents which may arise during construction of said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 24th day of November, 2009.

Magdalen Bouleson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

Russell
City Attorney

Magdalen Bouleson
City Clerk

RESOLUTION 09-251

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH RIVERTOP CONTRACTING FOR THE PROJECT KNOWN AS CORRIDOR ENHANCEMENTS IN DOWNTOWN ASHEVILLE, TIP # U-5174/CITY OF ASHEVILLE PROJECT # ARRA 09-10-02

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Corridor Enhancements in Downtown Asheville; and

WHEREAS, Rivertop Contracting of Black Mountain, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$79,006.00; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for the installation of plant materials and much within numerous existing medians and bulb-outs in downtown Asheville; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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

The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with to award the construction contract for the Corridor Enhancements in Downtown Asheville project to Rivertop Contracting in the amount of \$79,006.00 for the construction, and further authorized to execute any change orders to said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 24th day of November, 2009.

Magdalen Baulson
City Clerk

Angela Bell
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Baulson
City Clerk

RESOLUTION 09-252

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH MOORE & SONS SITE CONTRACTORS FOR THE PROJECT KNOWN AS ASHEVILLE SIDEWALK IMPROVEMENTS, TIP # U-5186, CITY OF ASHEVILLE PROJECT # ARRA 09-10-05

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Asheville Sidewalk Improvements; and

WHEREAS, Moore & Sons Site Contractors, of Mills River, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$436,920.00; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for the installation of curb and gutter, sidewalks, driveway turnouts, concrete drives, wheelchair ramps, drainage structures, sidewalk railing, paving and pavement markings on US 25 (Hendersonville Road), Depot Street, Hilliard Street, Short Michigan Avenue, Choctaw Street, Linden Street, and Evelyn Place; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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

The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with Moore & Sons Site Contractors in the amount of \$436,920.00 for the construction, and further authorized to execute any change orders to said contract or documents which may arise during construction of said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 24th day of November, 2009.

Magdalen Boulson
City Clerk

Andy Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION 09-253

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY OF ASHEVILLE A CONTRACT AND ANY CHANGE ORDER WITHIN THE BUDGETED AMOUNT WITH MOORE & SONS SITE CONTRACTORS FOR THE PROJECT KNOWN AS COXE AVENUE MILLING, PAVING, RE-STRIPING, AND DRAINAGE; AND SOUTH SLOPE RE-STRIPING AND DRAINAGE, TIP NUMBERS U-5173 AND U-5177/CITY OF ASHEVILLE PROJECT NUMBERS. ARRA 09-10-01 AND ARRA 09-10-04

WHEREAS, the City of Asheville has authority pursuant to Article 2 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, pursuant to N.C.G.S. § 143-129, bids were solicited for the project known as Coxe Avenue Milling, Paving, Re-Striping, and Drainage, and South Slope Re-Striping and Drainage; and

WHEREAS, Moore & Sons Site Contractors, of Mills River, North Carolina, was the lowest responsible bidder for the Project, in the amount of \$214,208.70; and

WHEREAS, the Project involves the furnishing of labor, material, equipment, and incidentals for milling, paving, and restriping to include bike lanes and new parking spaces, replacing and/or repairing stormwater catch basin frame and grate assemblies to include installing Type F and G bicycle safe grates on Coxe Avenue; and removing existing pavement striping and markings and restriping to include new bicycle lanes and parking configurations, replacing existing stormwater grates with Type F and G bicycle safe grates and installing new signage associated with the addition of bicycle lanes on Asheland Avenue, Hilliard Avenue, and Martin Luther King, Jr. Boulevard; and

WHEREAS, the bids have been reviewed by the Public Works Department and the City's Office of Economic Development (Minority Business Plan Compliance) with all officers recommending approval of the bid.

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

The City Manager of the City of Asheville is hereby authorized to execute on behalf of the City of Asheville the contract with Moore & Sons Site Contractors in the amount of \$214,208.70 for the construction, and further authorized to execute any change orders to said contract or documents which may arise during construction of said contract or documents which may arise during the construction of said project up to the budgeted amount, pending concurrence with award by the North Carolina Department of Transportation.

Read, approved and adopted this the 24th day of November, 2009.

Magdalen Bourleson
City Clerk

Jim Bellamy
Mayor

Approved as to form:
[Signature]
City Attorney

Magdalen Bourleson
City Clerk

RESOLUTION NO. 09-254RESOLUTION AUTHORIZING THE CITY MANAGER TO INCLUDE \$2.3 MILLION FOR STORMWATER CAPITAL IMPROVEMENT PROJECTS IN A COMPREHENSIVE BOND PACKAGE TO BE FINANCED IN DECEMBER 2009

WHEREAS, the City of Asheville established a Stormwater Enterprise Fund in FY 2006; and

WHEREAS, the City has identified several stormwater capital improvement projects that need completed; and

WHEREAS, the annual debt service for the bond is estimated at \$185,000 and will be paid from the Stormwater Utility Enterprise Fund; and,

WHEREAS, the City has completed an engineering analysis on the Dingle Creek Watershed that identified capital improvement projects; and,

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

City Council authorizes the City Manager to include \$2.3 million for stormwater capital improvement projects in a comprehensive bond package to be financed in December 2009. The debt service for this loan will be paid from the Stormwater Enterprise Fund.

Read, approved and adopted this the 24th of November 2009.

Magdalen Boulson
City Clerk

Angela Bellamy
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk

RESOLUTION NO. 09-255

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXTEND THE DOWNTOWN DEVELOPMENT AGREEMENT FOR THE PROPOSED PARKING GARAGE AT 51 BILTMORE AVENUE TO INCLUDE AN EXTENSION OF THE OPTION TO PURCHASE THE PROPERTY LOCATED AT 51 BILTMORE AVENUE FOR SIX MONTHS _____

WHEREAS, the City of Asheville entered into a Downtown Development Agreement with McKibbin Hotel Group and Public Interest Projects in October 2008; and

WHEREAS, the Downtown Development Agreement provides for two six month extensions; and

WHEREAS, the City Council extended the Downtown Development Agreement in June 2009 to cover the period of July 1, 2009 to December 31, 2009.

WHEREAS, acting pursuant to N.C.G.S. § 160A-458.3, the City Council has found and determined that the Project is likely to have a significant effect on the continued revitalization of the Central Business District of the City in the form of increasing the property tax base of the City and serving as a catalyst for further development in the downtown area; and

WHEREAS, the current economic conditions McKibbin has delayed the financing approval for McKibbin Hotel Group; and

WHEREAS, the design of the project is complete;

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

City Council authorizes the City Manager to extend the Downtown Development Agreement for the proposed parking garage at 51 Biltmore Avenue to include an extension of the option to purchase the property located at 51 Biltmore Avenue for six months. This extension covers the period of time from January 1, 2010 to June 30, 2010.

Read, approved and adopted this the 24th of November 2009.

Magdalen Boulson
City Clerk

Angie Bullen
Mayor

Approved as to form:

[Signature]
City Attorney

Magdalen Boulson
City Clerk