



RESOLUTION TO ASSIGN AND CONVEY GRAVITY SEWER COLLECTION SYSTEM TO THE VILLAGE OF CHIMNEY ROCK

- WHEREAS, Rutherford County, a North Carolina county, is the legal owner of a gravity sewer collection system which provides sewer service to portions of Chimney Rock Village and areas to the west of the Village along US 64/74 toward and to the general location of the Esmeralda Inn. And the sewer collection system is more than 50-years old and is in a good and acceptable state of repair and serves the area without significant problems.
- WHEREAS, Rutherford County owns no other sewer collection systems and does not offer sewer as a public service but accepted ownership of the gravity sewer collection system in the present town limits of Chimney Rock Village prior to its incorporation in order to assist the citizens of that community, and which assistance, due in part to the incorporation of Chimney Rock Village, is no longer required from the County.
- WHEREAS, Rutherford County entered into an agreement with the Town of Lake Lure dated May 5, 1970 which outlines criteria for the acceptance and treatment of sewer from the sewer collection system serving the Chimney Rock Village area by the town of Lake Lure and permits a flow of 27,500 gallons per day (gpd) to the Lake Lure sewer system, and
- WHEREAS, Rutherford County periodically expends funds to address and correct problems with the sewer collection system and Rutherford County does not charge and collect user fees for those customers served by the collection system, and periodically reviews and approves connections to the sewer collection system upon application from new users, and
- WHEREAS, Rutherford County desires to transfer ownership of the Chimney Rock Village sewer collection system to Chimney Rock Village, a North Carolina municipality, and to transfer to the Village the responsibility for the future operation and maintenance of the sewer collection system, and
- WHEREAS, Rutherford County agrees to make this transfer of Ownership at no cost (\$0.00 dollars) to Chimney Rock Village, and the transfer includes all components of the sewer collection system including any documented or prescriptive easements and property rights associated with the sewer collection system, and any permits issued for the system from the North Carolina Department of Environmental Quality, North Carolina Department of Transportation or other regulatory agencies, and
- WHEREAS, Rutherford County agrees to assist the Village of Chimney Rock in the cost of minor maintenance and repair of the gravity sewer collection system after the transfer of such ownership for a limited period of time following such transfer.

NOW THEREFORE BE IT RESOLVED, BY RUTHERFORD COUNTY:

That the County Manager, working with the County Attorney, shall negotiate the terms and conditions for the agreement and such documentation necessary to transfer, convey and assign all County ownership interest in and to the gravity sewer collection system located within the Village of Chimney Rock to the Village of Chimney Rock, and further authorizes the Chairman of the Board of County Commissioners, the Clerk to the Board, and other necessary County officials to sign and execute any such documents in support of this action.

Adopted this the (date adopted) at (place), North Carolina.

County Commissioners

Bryan A. King, *Chairman*
Alan Toney, *Vice Chairman*
Michael Benfield

David Hunt
Greg Lovelace

Steve Garrison, *County Manager*
Hazel S. Haynes, *Clerk to the Board*
Richard Williams, *County Attorney*

(Signature of Chief Executive Officer)

Bryan A. King

Chairman,

Board

of

Commissioners

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting (title of officer) of the (unit of government) does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the (name of governing body of applicant) duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature of Recording Officer)

(Title of Recording Officer)