



TOWN OF BLACK MOUNTAIN TOWN COUNCIL
SPECIAL CALL MEETING MINUTES
December 22, 2022

THE BLACK MOUNTAIN TOWN COUNCIL held a Special Call Meeting on Thursday, December 22, 2022, at 1:00 p.m. in the board room of Town Hall, 160 Midland Avenue, Black Mountain NC. The purpose of this meeting was to consider a gift of real property to the Town.

CALL TO ORDER

Mayor C. Michael Sobol called the special meeting to order at 1:02 p.m. with the following members present:

Mayor C. Michael Sobol
Vice Mayor Archie Pertiller
Council Member Pam King
Council Member Bill Christy
Council Member Doug Hay

Absent: Council Member Alice Berry

The following staff members were present:

Josh Harrold, Town Manager
Ron Sneed, Town Attorney
Angela Reece, Deputy Town Clerk

A. Resolution to Accept the Donation and Conveyance of Land to the Town of Black Mountain from Black Mountain Ventures LLC – Presented by Ron Sneed, Town Attorney

Town Attorney, Ron Sneed updated Town Council regarding a gift of real property to the Town from Black Mountain Ventures LLC. Attorney Sneed advised Council that the property appraisal met the needs of the doner, and they have chosen to gift the property to the Town. Attorney Sneed stated the property is comprised of three parcels and is approximately 26 acres of land. He stated the land joins the ABC Store property and confirmed there are no deed restrictions.

Council Member Pam King reminded everyone that the Town has done due diligence and there are no issues with the property. Council Member Doug Hey confirmed there is no construction on the properties. Council inquired regarding immediate public access and Attorney Sneed clarified that while the property is town property it may not necessarily be accessible to the public at this time as the only way to access it is through the dog park. Council will discuss the matter further at a later date.

Vice Mayor Archie Pertiller moved that Council approve the Resolution to Accept the Donation and Conveyance of Land to The Town of Black Mountain from Black Mountain Ventures LLC as presented. The motion carried by a vote of 4-0.

3. ADJOURNMENT

There being no further business, Mayor C. Michael Sobol adjourned the meeting at 1:07 p.m.

Following the meeting, Town Attorney Ron Sneed completed the property transaction and filed the deed, a copy of which is made part of and included in these minutes.

ATTEST:

C. Michael Sobol, Mayor

Angela L. Reece, Deputy Clerk

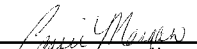
Type: CONSOLIDATED REAL PROPERTY
Recorded: 12/22/2022 2:23:12 PM
Fee Amt: \$26.00 Page 1 of 4
Revenue Tax: \$0.00
Buncombe County, NC
Drew Reisinger Register of Deeds

BK 6285 PG 1863 - 1866

There are no delinquent taxes that are a lien
the parcel(s) described in the deed which the
Buncombe County Tax Collector is charged
with collecting.

12-22-2022

Date


Deputy Tax Collector

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax:	0.00
Parcel ID:	0619-56-5694-00000; 0619-56-5694-00000; 0619-45-7619-00000; 0619-34-9816-00000
Mail/Box To:	Sneed & Stearns, P.A., PO Box 995, Black Mountain, NC 28711
Prepared By:	Ronald E. Sneed, Sneed & Stearns, P.A. (File No. 22-398.T)
Brief Description for the Index:	

THIS DEED made this 22 day of **December, 2022**, by and between

GRANTOR	GRANTEE
BLACK MOUNTAIN VENTURES, LLC, a North Carolina Limited Liability Company	TOWN OF BLACK MOUNTAIN, a North Carolina municipal corporation
32 Orange Street Asheville, NC 28801	160 Midland Avenue Black Mountain, NC 28711

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the **Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina** and more particularly described as follows:

BEING ALL of those four parcels of land described in the attached **Exhibit A**, which is incorporated by reference as if fully set out herein.

Submitted electronically by "Sneed & Stearns, P.A."
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Buncombe County Register of Deeds.

All or a portion of the property herein conveyed does not include the primary residence of a Grantor.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 3879 at Page 37, Book 4117 at Page 463, and Book 3966 a Page 1, Buncombe County Registry.

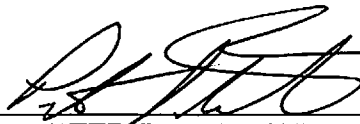
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years, and any local, county, state, or federal laws, ordinances, or regulations relating to zoning, environment, subdivision, occupancy, use, construction, or development of the subject property, including existing violations of said laws, ordinances, or regulations.

IN WITNESS WHEREOF, the Grantor set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

BLACK MOUNTAIN VENTURES, LLC.

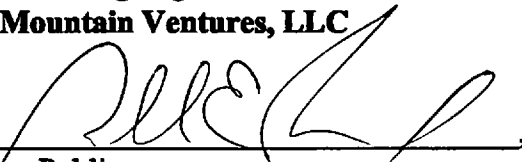
By: 
PETER J. FONTAINE, Managing Member

SEAL-STAMP

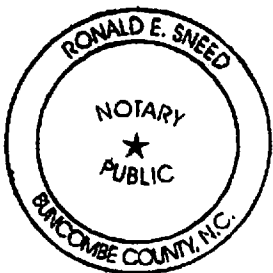
NORTH CAROLINA, **BUNCOMBE COUNTY.**

I certify that the following person personally appeared before me this day acknowledging that s/he signed the foregoing: **PETER J. FONTAINE, Managing Member of Black Mountain Ventures, LLC**

Dated: 12/22/2022


Notary Public

RONALD E SNEED
Notary's typed or printed name



My commission expires: 10/25/2027

EXHIBIT A
Properties conveyed by Black Mountain Ventures, LLC
to
The Town of Black Mountain

LYING AND BEING in the Town of Black Mountain, Black Mountain Township, Buncombe County, North Carolina:

TRACT ONE:

BEGINNING at a concrete monument in the margin of the right of way of Interstate Highway 40; thence South 00 deg. 05' West 3.10 feet to an iron pin; thence North 88 deg. 10' West 50.58 feet to an iron pin; thence with an old fence line North 00 deg. 45' East 821.87 feet to a point in the center of the Southern Railway tract; thence along and with said railway tracks North 64 deg. 11' East 255.3 feet; North 64 deg. 51' East 83.0 feet; North 68 deg. 17' East 99.68 feet; North 68 deg. 24' East 77.77 feet; North 70 deg. 02' East 70.98 feet; North 71 deg. 25' East 75.1 feet; North 72 deg. 58' East 74.55 feet; North 74 deg. 24' East 73.9 feet; North 75 deg. 56' East 66.75 feet; and North 77 deg. 32' East 59.85 feet; thence leaving the center of the Southern Railway tracks and miming South 00 deg. 26' West 100.0 feet to a point in the southern margin of the right-of-way of the Southern railway; thence with the margin of said right-of-way North 78 deg. 00' East 104.8 feet to the western margin of a 25 foot right-of-way; thence with the margin of said right-of-way South 13 deg. 00' East 130.0 feet; South 34 deg. 45' East 168.0 feet and South 69 deg. 04' East 70.39 feet to a pin in the northern margin of Interstate Highway 40; thence with the margin of said right-of-way South 53 deg. 47' West 113.83 feet to a concrete monument; North 85 deg. 17' West 99.91 feet to a concrete monument; South 57 deg. 59' West 200.28 feet to a concrete monument; South 25 deg. 43' West 169.91 feet to a concrete monument; South 53 deg. 47' West 340.45 feet to a concrete monument; thence South 61 deg. 27' West 260.83 feet to a concrete monument; thence South 53 deg. 54' West 232.45 feet to the **BEGINNING**. Being the same property described and conveyed by deed duly recorded in the office of the Register of Deeds for Buncombe County, North Carolina in Deed Book 3879 at Page 37, described in said deed as Tract 1.

TRACT TWO:

BEGINNING at a point in the center of the Southern tracks; thence North 00°26' East 253.5 feet to an iron pin; thence North 80°24' West 474.50 feet to an iron pin; thence South 01°11' West 480.4 feet along an old fence to a point in the center of the Southern Railway tracks; thence along and with the center of said tracks the following courses and distances, to wit; North 68°24' East 77.77 feet; North 70°20' East 70.98 feet, North 71°25' East 75.1 feet; North 72°58' East 74.55 feet; North 74°24' East 73.9 feet; North 75°56' East 66.75 feet; and North 77°32' East 59.85 feet to the **BEGINNING**. Being the same property described and conveyed by deed duly recorded in the office of the Register of Deeds for Buncombe County, North Carolina in Deed Book 3879 at Page 37, described in said deed as Tract 2.

BEING ALSO, that same property shown as 3.9 +/- acre tract North of the Southern Railway tracks and South of U.S. 70 on that plat of the Property of Lillian B. Sims, duly of record at Plat Book 30, Page 86 in the Office of the Register of Deeds for Buncombe County, North Carolina. Grantor hereby conveys without warranty any portion of property encumbered by the right of way in favor of Norfolk Southern Railway which lies adjacent to the property herein described but may not be otherwise conveyed.

TRACT THREE:

BEGINNING at a locust stake located at the Southeast corner of Lot 4 of the Plat hereinafter referred to; and runs thence North $1^{\circ} 03'$ East 818.6 feet to a point in the center of the track of the main line of the Southern Railroad; thence along and with the center line of said track South $64^{\circ} 46'$ West 403.1 feet to an iron pin in a culvert over Flat Creek; thence South $3^{\circ} 56'$ West 442.4 feet to a locust stake in the West line of said Lot 4 of said Plat; thence continuing with said West line South $10^{\circ} 30'$ West 99 feet to a locust stake; thence South $12^{\circ} 30'$ East 99 feet to a stake at the Southwest corner of said Lot 4; thence with the South line of said Lot 4 in an Easterly direction to the point of **BEGINNING**. Being that portion of Lot 4, lying South of the center line of the track of the main line of the Southern Railroad, as laid down and shown on the Plat duly recorded in the Office of the Register of Deeds for Buncombe County, North Carolina in Plat Book 29 at Page 63. Being that property described in Book 4117 at Page 463, Buncombe County Registry.

TRACT FOUR:

BEGINNING on a 3/4" EIP, said EIP lying (ground) South 11 deg. 39 min. 51 sec. East 549.48 feet and (grid) South 11 deg. 39 min. 51 sec. East 549.37 feet from a Geodetic Monument "First Union" NAD 83, said Geodetic Monument "First Union" lying and being (ground) South 71 deg. 05 min. 26 sec. West 4022.45 feet and (grid) South 71 deg. 05 min. 26 sec. West 4021.60 feet from a Geodetic Monument "Petty" NAD 83, said HP also lying South 00 deg. 25 min. 10 sec. West 45.46 feet from a right-of-way monument, and runs thence North 86 deg. 42 min. 13 sec. East 192.60 feet (grid distance 192.60 feet) to a 3/4 bent EIP beside a bent axle; thence South 07 deg. 00 min. 45 sec. East 85.80 feet to an RBS; thence South 86 deg. 51 min. 39 sec. West 203.15 feet to a right-of-way monument; thence North 00 deg. 03 min. 56 sec. East 85.21 feet to a 3/4" EIP, the point and place of **BEGINNING**. Containing 0.388 acres, more or less, and being that property set forth and shown on Survey of the Property of Ernest F. Slagle and Wife, Margaret Slagle, dated 09 March, 2005, prepared by Day Engineering Services, P.A., Job No. 5108. Being that property described in Book 3966 at Page 1, Buncombe County Registry.