

## **RESOLUTION AND ORDER OF SALE**

**WHEREAS**, the Wake County Board of Education owns property located on the southern side of Hilltop Needmore Road east of its intersection with Johnson Pond Road, which was acquired as the future site of an elementary school (E-44), and is further identified as having an address of 4551 Hilltop Needmore Road and Wake County PIN 0678-74-9253; and

**WHEREAS**, the Town of Fuquay-Varina owns properties located on the southern side of Hilltop Needmore Road east of its intersection with Johnson Pond Road and adjacent to the Board property described hereinabove which was acquired as the future site of Town park, and is further identified as having an address of 4501 Hilltop Needmore Road and Wake County PIN 0676-57-8360 and having an address of 0 Brushy Meadow Drive and Wake PIN 0678-84-6531; and

**WHEREAS**, The Board entered into an Interlocal Agreement for Programming and Planning a School and Town Park Facilities In Fuquay-Varina, NC (“the ILA”) with the Town of Fuquay-Varina (“Town”) in 2019 to finalize a Conceptual Master Plan that includes an elementary school and Town park improvements, to finalize the programming and to determine the apportioned costs of implementing the specific uses identified above; and

**WHEREAS**, The Board entered into a First Amendment to the Interlocal Agreement for Programming and Planning a School and Town Park Facilities In Fuquay-Varina, NC (“the First Amendment”) with the Town of Fuquay-Varina (“Town”) on September 21, 2021, which further clarifies the ILA, approves the master plan, and addresses rights and responsibilities of the parties for development, design, construction, operation, maintenance and use of the Board and Town properties for specific public school (Hilltop Needmore Road ES/E-44) and park (Community Center North/Active Adult Center); and

**WHEREAS**, pursuant to the ILA and First Amendment, the master planning process is complete and as a property exchange is necessary to align with location of the parties’ program areas and amenities, a recombination plat has been developed for recordation and related conveyances to memorialize the boundaries of the Board and Town properties; and

**WHEREAS**, the value of the recombination acreage to be owned by Board and Town are substantially same as the acreage initially acquired by each party, so that no additional compensation is due from either party to the other; and

**WHEREAS**, the Wake County Board of Education finds as fact that the land to be exchanged with the Town is in furtherance of the elementary school/park master plan, with the land to be conveyed from the original Board-owned tract as described hereinabove to the Town (the “Property”) being otherwise no longer necessary for public school purposes, and

**WHEREAS**, the Wake County Board of Education further finds as fact that the best interests of the public schools would be served by the sale or exchange of said Property in accordance with the applicable North Carolina General Statutes.

**NOW, THEREFORE BE IT HEREBY RESOLVED** by the Wake County Board of Education that:

- (1) The Property is hereby declared as surplus property; and
- (2) The Superintendent of the Wake County Public School System or her designee is authorized and directed to exchange said Property in Wake County pursuant to the terms of the ILA, First Amendment, provisions of N.C. General Statute §160A Chapter 12, and other applicable provisions of law; and
- (3) The Superintendent or her designee has offered said Property to the Wake County Board of Commissioners to afford it the first opportunity to obtain the property pursuant NCGS § 115C-518, which Wake County declined on September 8, 2021.

**ADOPTED this the 21st day of September, 2021.**

WAKE COUNTY BOARD OF EDUCATION

Attest:

By: \_\_\_\_\_  
Keith A. Sutton, Chair

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Cathy Q. Moore, Secretary