

**BURNSVILLE TOWN COUNCIL**  
**Special Meeting - Thursday, December 29, 2022, 6:10pm**  
**Burnsville Town Center**

On Thursday, December 29, 2022, the Burnsville Town Council with Mayor Russell Fox and members Judy Buchanan, Denise Collier, Randy Ollis and Bill Wheeler present, held a special meeting at the Burnsville Town Center. Also in attendance were town staff members Heather Hockaday and Chad Fox. Mayor Fox, who presided, called the meeting to order at 6:03pm.

NCDOT Sidewalk Feasibility Grant - Judy Buchanan moved to approve a *Resolution Supporting The Application For NCDOT Feasibility Study Grant Funds By The Town Of Burnsville*. Bill Wheeler seconded the motion, which carried. All were in agreement.

Donation of real estate - The Council considered a donation of real estate from Buzzard Rock LLC. Over the last several months, Mayor Fox has pursued the possibility and worked with nonprofits to find ways to use the roughly 300 acre property for recreational purposes.

Bill Wheeler mentioned that 2023 is NC's "Year of the Trail", and how the donation would be in line with the State's theme.

Mayor Fox said that obtaining grants has been discussed, preventing the property from being a financial burden on the Town. Conversations with non-profits have been had about maintenance and grant funding. Town Manager Heather Hockaday said that the donor requested the land be used for recreational purposes but can be used for any governmental public purpose. A plan for developing the property would be created. She said that there is access to the property and discussions about constructing hiking and biking trails have been had.

Bill Wheeler moved to adopt the *Resolution To Accept The Donation And Conveyance Of Land To The Town of Burnsville, North Carolina From Buzzard Rock, LLC*. Judy Buchanan seconded the motion, which carried. All were in agreement.

Adjourn - With there being no further business, Judy Buchanan moved to adjourn the meeting at 6:13pm. Denise Collier seconded the motion, meeting adjourned.

  
\_\_\_\_\_  
J. Chad Fox, Town Clerk



  
\_\_\_\_\_  
T. Russell Fox, Mayor

**RESOLUTION SUPPORTING THE APPLICATION FOR NCDOT FEASIBILITY STUDY  
GRANT FUNDS BY THE TOWN OF BURNSVILLE**

**Whereas,** the Burnsville Town Council is the duly recognized decision making body for the Town of Burnsville (Town); and

**Whereas,** the North Carolina Department of Transportation – Integrated Mobility Division has funding available for Paved Trails and Sidewalk Feasibility Study Grants; and

**Whereas,** the Town of Burnsville intends to apply for Paved Trails and Sidewalk Feasibility Study Grant funds for the East Main Sidewalk improvements project as identified in the adopted Pedestrian and Bicycle Plan; and

**Whereas,** the Town recognizes the benefits of bicycle and pedestrian transportation facilities, including economic development, safety, health benefits, less vehicle congestion, and less pollution; and

**Whereas,** feasibility studies for bicycle and pedestrian transportation facilities are vital to understanding the unique challenges, opportunities, alternatives, and cost of projects.

**Now, therefore, be it resolved,** that the Burnsville Town Council approves staff applying for the Integrated Mobility Division Paved Trails and Sidewalk Feasibility Study Grant funds.

This the 29<sup>th</sup> day of December 2022.



T. Russell Fox, Mayor

ATTEST:



J. Chad Fox, Town Clerk



**RESOLUTION TO ACCEPT THE DONATION AND CONVEYANCE OF LAND TO THE TOWN OF  
BURNSVILLE, NORTH CAROLINA FROM BUZZARD ROCK, LLC**

**WHEREAS**, the Town of Burnsville is a body politic and corporate in accordance with NC General Statute 160A-1 *et.seq.*; and

**WHEREAS**, the Town of Burnsville has authority pursuant to NCGS 160A-11 to acquire and hold real property conveyed, dedicated to or otherwise acquired by the municipality; and

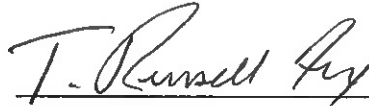
**WHEREAS**, Buzzard Rock, LLC, a North Carolina Limited Liability Company, desires to donate and convey all those tracts or parcels of land and appurtenant easements as same are more particularly described in a Deed dated 4 September 1953 from C.L. Bailey and wife, Margaret Bailey to Great American Sales and (sic) Distributors, Inc. recorded in Yancey County Deed Book 111, Page 504. Excepting that portion containing 0.134 acre previously conveyed by Instrument shown in Yancey County Deed Book 492, Page 467. Both instruments being incorporated by reference herein for a more particular description. Said donated tracts or parcels of land containing 318.76 acres, more or less; and

**WHEREAS**, Buzzard Rock, LLC has executed a Deed of Gift to the Town of Burnsville conveying said property to the Town as identified in Exhibit A; and

**WHEREAS**, the Town Council has determined that acceptance of the property as described herein is not contrary to the public interest.


**NOW, THEREFORE BE IT ORDERED AND RESOLVED:**

1. That the property herein described and fully described in the Deed of Gift from Buzzard Rock, LLC shall be accepted by the Town of Burnsville.
2. That the Mayor is hereby authorized to execute any and all documents required for the acceptance of this Deed of Gift, including but not limited to, any receipts or tax documents required to acknowledge the gift from the Grantor, Buzzard Rock, LLC.
3. That all acts and doings of officers, employees and agents of the Town, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
4. That this Resolution shall be effective upon its adoption.  
This the 29<sup>th</sup> day of December, 2022.



T. Russell Fox, Mayor

ATTEST:

  
\_\_\_\_\_  
Chad Fox, Town Clerk



**Exhibit "A"**

**BEING** all those tracts or parcels of land and appurtenant easements as same are more particularly described in a Deed dated 4 September 1953 from C.L. Bailey and wife, Margaret Bailey to Great American Sales and (*sic*) Distributors, Inc., recorded in Book 111, Page 504, Yancey County Registry, to which public record reference is hereby made for a more full and complete description of the premises, incorporated herein by reference the same as if more fully set forth.

Less and excepting that portion of the foregoing containing 0.134 previously conveyed by Instrument in Book 492, page 467, Yancey County Registry.

**TITLE REFERENCE:** Yancey County Deed Book 623, Page 722.

**THE ABOVE DESCRIBED PROPERTY IS CONVEYED SUBJECT TO THE RESTRICTIVE COVENANT THAT THE PROPERTY SHALL BE USED FOR GOVERNMENT PUBLIC PURPOSES ONLY.**

**RECEIPT FOR CHARITABLE DONATION TO THE TOWN OF BURNSVILLE, NORTH  
CAROLINA A NORTH CAROLINA MUNICIPALITY**

1. **Recipient:** Town of Burnsville, a Municipal North Carolina Corporate Body Politic.
2. **Donation:** Being that real property and all appurtenant easements shown in a Deed of Gift dated 21 December 2022 from Buzzard Rock, LLC to Town of Burnsville recorded in Yancey County Deed Book 891 Page 525. (see attached copy of Deed of Gift)
3. **Use:** Said Deed of Gift contains a restrictive covenant that the property shall be used for "government public purposes only".
4. **Date of Donation:** The donation was duly accepted by the Burnsville Town Council at a Special Meeting called on December 29, 2022 as evidenced by an adopted resolution dated the same and attached hereto for reference.
5. **No goods or services were received in return for the donation.**

***"The donor should consult with a tax professional about the tax implications of the donation under both state and federal law."***



---

T. Russell Fox, Mayor