

**TOWN OF BLACK MOUNTAIN BOARD OF ALDERMEN
REQUEST FOR BOARD ACTION
Meeting Date: March 14, 2011**

SUBJECT: Acceptance of Timber Park Water System

AGENDA INFORMATION

Agenda Location: Unfinished Business
Item Number: 5-B
Department: Public Services Department
Contact: Ron Sneed, Town Attorney
Presenter: Ron Sneed, Town Attorney

BRIEF SUMMARY: The Board of Aldermen, at its December 20, 2010, meeting, voted to complete its acceptance and takeover of the Timber Park water system, setting the terms for the acceptance of that system. The deed for the real property where the pump station and the water tank are located has been prepared, along with a bill of sale for the transfer of the physical assets of the system. An agreement setting out the conditions and terms as set out by the Board of Aldermen, and as recommended by the Town Attorney, has also been prepared. Upon approval of the terms as set out in the proposed final agreement by the Board of Aldermen, the documents can be executed.

MOTION FOR CONSIDERATION: To approve the attached proposed agreement between the Town of Black Mountain and the Timber Park Property Owners Association for the assumption of responsibility for the Timber Park water system, authorizing the Town Manager to execute the agreement for the Town.

FUNDING SOURCE: No additional or separate funding required.

ATTACHMENTS: Deed, bill of sale, agreement

STAFF COMMENTS AND RECOMMENDATIONS: The pump and pump house are not specifically permitted or addressed by the restrictions in Timber Park, and it is recommended that the Agreement containing an indemnity agreement whereby by the Timber Park Property Owners Association indemnifies the Town against any expenses it might incur if there was a challenge as to the legality of the placement of the water pump and tank.

Upon assessment by town Public Services staff and under certification of engineer's seal, all equipment and facilities being conveyed have previously been found to meet town and water quality standards, and to be in good working order with an expected functional life in excess of 25 years, assuming continued operation under current conditions. The Town has been maintaining the Timber Park water system as part of the Town system under separate maintenance agreement, since 2000. The Town Manager recommends approval of agreement and bill of sale, as prepared by the Town Attorney.