

**A RESOLUTION TO DECLARE PROPERTY AS
SURPLUS AND AUTHORIZE SALE OF PROPERTY BY AND
THROUGH THE FAYETTEVILLE PUBLIC WORKS COMMISSION**

WHEREAS, the City of Fayetteville is, in accordance with the Charter, the legal title holder to certain intangible personal property more specifically described as four thousand seventy-one (4,071) renewable energy certificates originated by the Southeastern Power Administration as a result of hydro generation at the John H. Kerr Dam during the period January 1, 2022, to December 31, 2022 (the "Property");

WHEREAS, the Property is managed and controlled by the Fayetteville Public Works Commission (the "Commission"); and

WHEREAS, Commission has resolved that the Property is surplus to its current needs and seeks to sell the Property to the North Carolina Eastern Municipal Power Agency, subject to the approval of the City Council, and such sale is in compliance with Financing Documents referenced in Chapter 6A of the Charter; and

WHEREAS, North Carolina General Statute § 160A-274 permits the Commission to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as PWC deems wise, with or without consideration, upon approval by resolution of the City Council;

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE THAT:

1. The City Council concurs that the Property is surplus.
2. The City Council hereby approves the sale of the Property to North Carolina Eastern Municipal Power Agency pursuant to the terms of the inter-governmental Renewable Energy Certificates Spot Purchase and Sales Agreement negotiated by PWC.
3. The Commission's CEO/General Manager is hereby authorized execute the inter-governmental agreement for the aforesaid sale.

ADOPTED this _____ day of June, 2023, by the City Council of the City of Fayetteville, North Carolina.

CITY OF FAYETTEVILLE, NORTH CAROLINA

By: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk