

Genesis Lease Dispute Heard in Court

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A lease unchallenged for over a decade is now the center focus of the matter of the town of Beech Mountain vs Genesis Wildlife Refuge. Yesterday, plaintiff, the Town of Beech Mountain, claimed in the Civil Court case that the lease between the Town of Beech and Genesis is invalid and therefore void and unenforceable. Attorney Larry Price argued before Judge Marvin Pope that the lease legally transferred the property to Genesis on January 7, 2000, and that the State of North Carolina mandates the lease valid. Price showed that in May of 1999, the Town Council authorized passing a resolution to enter a lease agreement with Genesis to benefit tourism and educate the public. On September 14, 1999, minutes of the Town Council—all 5 council member present—voted unanimously to enter a lease agreement. An Upset Bid Notice was advertised, and on October 20, 1999, the town authorized entering a lease agreement with Genesis, identifying parties, terms and consideration paid by Genesis to the Town of Beech. The Mayor, acting on behalf of the Town, completed the lease, which was then recorded. As pointed out in court yesterday, over the next 120 Town Council meetings, there was never a question about the lease. But on April 23, 2012 Genesis received notification to immediately vacate the property and leave everything built. The Town of Beech Mountain claims the lease was not authorized and the Town did not follow proper procedure, so the lease is void. The Town claims the Mayor didn't have authority to enter lease and the Town did not follow proper procedure. Genesis claims the lease was drafted and recorded according to every statute. At the time the lease was signed by the Mayor, the Mayor was on the Board of Genesis. Genesis supporters claim the town wants the lakefront property for development, and is using this tactic to remove them. Genesis vacated the property as ordered as the case was taken to court. Now, with Judge Marvin Pope hearing all the arguments, he will review and make a decision on the point in the near future—a point that may decide the case one way or the other.