THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 9, 2025

Subject: Grant of an Easement (subsurface and above ground) on city-owned property (Water Dept.) to Emerson Ridge Subdivision Homeowners' Association, Inc. ("HOA"), Spivey Mountain Road, Asheville, NC

Staff Resource(s): Mark Letterman, Project Manager Water Resources
Jannice Ashley, Deputy City Attorney
Kimmy Hunter, Real Estate Manager

Action Requested: Adoption of a resolution to authorize the City Manager to execute an Easement Agreement with Emerson Ridge Subdivision Homeowners' Association, Inc. for property located on Spivey Mountain Road.

Background:

- Emerson Ridge subdivision maintains two wells on its property.
- The second well failed due to the impacts of Hurricane Helene.
- The City owns utility property adjacent to the Emerson Ridge subdivision.
- The Emerson Ridge subdivision home owners have requested a permanent easement (subsurface and above ground) from the City to install a below-ground tank with a submersible pump that will operate as a new back up system to the primary well as well as appurtenant above ground structures such as a fence and above-ground utilities.
- The permanent easement area requested is 40 feet in length and 15 feet in width (approximately 650 +/- square feet , not to exceed six (6) feet below the surface at the most southwestern corner of 221 Spivey Mountain Road on city-owned property acquired by Deed Book 2040 at Page 384 in the Buncombe County Registry and identified as PIN 9619-83-2058.
- In determining whether to grant an easement for purposes of water connection or not, the Water Department considers several key factors to guide its decision including:
    - *Public v. Private Benefit*-in this case the Emberson Ridge Subdivision HOA has demonstrated a compelling need to connect to the City's water system due to a potential health and safety issue (well failure) and in this way, will be able to maintain redundant access to water.
    - *Feasibility and Impact*-i.e. whether the requested infrastructure would conflict with existing or future City utilities. The property subject to the easement is currently utilized for Water operations with no critical City infrastructure requiring additional protection or relocation as part of the agreement.
    - *Liability & Maintenance*-in this case the Subdivision HOA will retain full responsibility for installation and maintenance of the small pump station and the City will have no liability.
- The Subdivision HOA will go through the standard Water Availability (WAV) process required of all customers requesting COA Water.
- The Subdivision HOA will pay the assessed market value of the easement area of $550.

Council Goal(s):

- A well-planned and livable community.

Committee(s):

- None

Pro(s):

- The subsurface nature of the easement minimizes impact on future surface use of the City-owned property.

Con(s):

- Requires ongoing coordination with Emerson Ridge Subdivision Homeowners' Association, Inc. to ensure City property and utility lines are protected during and after construction.

Fiscal Impact:

- The offer of $550 (fair market value for easement area) from Emerson Ridge Subdivision Homeowners' Association, Inc. will be recorded as revenue in the General Fund.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Manager to execute an agreement granting an easement on city-owned property to the Emerson Ridge Subdivision Homeowner's Association for the purpose of constructing a subsurface pump station to allow the Subdivision to connect to the City's water system; to accept payment for the easement; and to take all actions necessary to give effect to this resolution.

Attachment(s):

- Resolution
- Surveyed area

RESOLUTION NO. 25-

RESOLUTION AUTHORIZING THE GRANTING OF AN EASEMENT ON CITY OWNED PROPERTY LOCATED AT SPIVEY MOUNTAIN TO EMERSON RIDGE SUBDIVISION HOMEOWNERS' ASSOCIATION, INC. FOR PURPOSES OF CONNECTING TO CITY OF ASHEVILLE WATER SYSTEM

WHEREAS, the City of Asheville owns certain real property at 221 Spivey Mountain Road (PIN 9619-83-2058); and

WHEREAS, pursuant to N.C.G.S. § 160A-272, the City has the authority to convey easements in, on, over, or under City property; and

WHEREAS, Emerson Ridge Subdivision Homeowners' Association ("HOA"), Inc. has requested an easement (subsurface and above ground) not to exceed 40 feet in length, 15 feet in width (approximately 650 +/- square feet), and six feet in depth on portion of the City-owned property for the installation and maintenance of backup underground water utilities (pump station) and structural support to allow the Subdivision to connect to City Water; and

WHEREAS, the Water Department has determined that the easement should be granted because the Subdivision has a compelling need to connect to the City's water system due to a potential health and safety issue (well failure); the requested infrastructure will not conflict with existing or future City utility/infrastructure needs on the property; and the City shall bear no maintenance responsibilities or liability for the improvements within the easement area-the Subdivision HOA will retain full responsibility for installation and maintenance of the small pump station and the City will have no liability.

WHEREAS, the Subdivision HOA will pay the City $550 for the easement (the fair market value based on a City-commissioned appraisal); and

WHEREAS, the granting of this easement for purposes of connecting to the City's water system aligns with the City's goals to support a well-planned and livable community;

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

The City Manager is hereby authorized to execute an agreement granting an easement on city-owned property to the Emerson Ridge Subdivision Homeowner's Association for the purpose of constructing a subsurface pump station to allow the Subdivision to connect to the City's water system; to accept payment for the easement; and to take actions necessary to give effect to this resolution.

Read, approved and adopted this 9th day of December, 2025.

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City Clerk Mayor

Approved as to form:

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City Attorney