City Council Agenda Item Request

Submit to Clerk's Office
30-60 days before proposed Council meeting

1. **Date submitted to Clerk's Office:** Jan 9, 2026

2. **Primary contact person and Department requesting agenda item:**
    a. Amy Deyton, Public Works Director
    b. Jannice Ashley, Deputy City Attorney
    c. Kimmy Hunter, Real Estate Manager

3. **Requested Council meeting date:** January 27, 2026

4. **Subject:**
    a. Easement Disposition on City-owned property right of way at 44 Elk Mountain Ridge Road (PIN# 9741-60-4303) to Marie E. and William Cross.

5. **Action Requested:**
    a. Staff requests City Council approval to authorize the City Manager to execute the an Easement Agreement with Marie and William Cross, for a portion of right of way located adjacent to 44 Elk Mountain Ridge Road to allow for the encroachment of a private entrance walkway and driveway that have been approved by the City, pursuant to N.C.G.S. § 160A-273.

6. **Note if time-sensitive, and why:** Yes. This approval is time-sensitive, as the private walkway and driveway have been constructed, as approved by the City, and the grantee's desire to confirm their right to be located in a small portion of the right of way via an approved easement.

7. **Potential fiscal impact(s) - if known by department staff at the time of request:** The City will not require a payment for this easement since per the agreement, the grantee will be responsible for repair and replacement of the improvements in the right of way should the City need to do work which disturbs those improvements.

8. **Identify all vendor outreach for Minority & Women Owned Business Enterprises (MWBE)** N/A

9. **Identify all Boards, Commissions, and Council Committees with tentative dates - add in the vote and recommendation from each Board:** N/A

10. **Identify key issues:**
    a. Staff recommends granting the easement to Mr. and Mrs. Cross for the city approved installation of a private entrance walkway and driveway in the right of way adjacent to their property located at 44 Elk Mountain Ridge Road.
    b. When the improvements were first approved, the property owners were told they could be granted an encroachment agreement, not realizing that city encroachment agreements allow for the City to require removal of any improvements upon 30 days notice.
    c. The property owners have requested an easement be granted rather than an encroachment since it secures a greater right to use the property for the improvements which are necessary for access to their property.
    d. Public Works Department has agreed to allow an easement right, rather than encroachment because the plans allowing improvements in the right of way had already been approved by the City and construction had begun and the property owners have agreed to relieve the City from any responsibility for repair or replacement of the improvements.
    e. The permanent easement(s) within the right of way will be approximately 800 SF+/-
    f. Granting this permanent easement will not substantially impair or hinder the use of the right of way as a way of passage.
    g. The action is authorized by N.C.G.S. § 160A-273, which permits a City to grant easements and rights of way across, through, over, or under any city property or interest in property.