THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: November 14, 2023

Subject: Swannanoa River Greenway Condemnation Authority

Staff Resource(s): Taylor Morris, Asst. City Attorney; Jade Dundas, Capital Projects Director

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the Swannanoa River Greenway Construction Project.

Background:
- The Swannanoa River Greenway Construction Project will install approximately one mile of greenway along the Swannanoa River where no bicycle or pedestrian facilities currently exist.
- The City of Asheville entered into a design contract with Equinox in July 2018 for a feasibility analysis of potential greenway routes within the Swannanoa River area.
- Construction bids for the greenway were received August 31, 2023.
- The project was awarded to Baker Grading at the September 26, 2023 City Council meeting.
- All property owners were provided with offers of financial compensation for the needed easements, based on assessed value or appraisals obtained from a North Carolina licensed appraiser.
- Despite best efforts, the City has exhausted all opportunities to acquire the needed property rights through voluntary acquisition, therefore condemnation is necessary in order to protect the project schedule.

Council Goal(s):
- Clean & Healthy Environment

Committee(s):
- None

Pro(s):
- Will facilitate the completion of a needed greenway installation project and safeguard the project schedule.

Con(s):
- Will result in the commencement of eminent domain actions against eight properties.

Fiscal Impact:
- The expected value of the needed easements is approximately $340,000. The appraisal value for the needed easements on each parcel is as follows:
  9658-32-2985: $139,900; 9658-23-0140, 9658-13-9185, 9658-23-1310, 9658-23-1153, 9658-12-7767 combined: $154,200; 9658-22-6896: $20,275; 9658-23-3003: $23,750
- Funding for these easements was previously budgeted and is available in the General Capital Projects Fund.

Suggested Motion:
- Motion to adopt a resolution authorizing the City Attorney's Office to condemn easements needed for the Swannanoa River Greenway Construction Project.

Attachment(s)
- Resolution
- Map

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN EASEMENTS OVER REAL PROPERTY LOCATED ON THE CITY'S SWANNANOA RIVER GREENWAY PROJECT.

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to install a greenway near the Swannanoa River; and

WHEREAS, the City's planned greenway installation project requires that it obtain easements across the following property (described by PIN): 9658-32-2985; 9658-23-0140; 9658-13-9185; 9658-23-1310; 9658-23-1153; 9658-12-7767; 9658-22-6896; 9658-23-3003; and

WHEREAS, the property owners were provided with offers of financial compensation for the needed easements; and

WHEREAS, this project installs a greenway near the Swannanoa River; and

WHEREAS, the existing portion of the Swannanoa River has no safe bicycle or pedestrian facilities;

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

The City Attorney's Office, on behalf of the City of Asheville, is hereby authorized to condemn easements over the real property parcels specified by PIN herein.

Read, approved, and adopted this 14th day of November, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney