THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 12, 2023

Subject: Resolution of intent to permanently close an excess right-of-way adjacent to 100 Craven Street and to set a public hearing for October 10, 2023.

Staff Resource(s): Ken Putnam, PE, Transportation Department Director
Jessica Morriss, AICP, Transportation Department Assistant Director

Action Requested: Adoption of a resolution to set a public hearing for October 10, 2023, to permanently close an excess right-of-way adjacent to 100 Craven Street.

Background:
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The statute requires City Council to consider whether the closure of the right of way has a negative impact to the public interest and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- 9999 Hazel Mill Rd, LLC, Owner, petitioned for this closure to develop a five story multi-family dwelling with 23-30 units.
- The unopened right-of-way is a triangle-shaped area located along the west edge of Craven Street.
- The closure does not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- Technical Review Committee, July 17, 2023, unanimously recommended approval.
- Multimodal Transportation Commission, August 23, 2023, unanimously recommended approval.

Pro(s):
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

Con(s):
- None.

Fiscal Impact:
- This action requires no City resources and has no fiscal impact.

Suggested Motion:
- Motion to adopt a resolution to set a public hearing for October 10, 2023, to permanently close an excess right-of-way adjacent to 100 Craven Street.

Attachment(s):
- Location Map

- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
100 Craven Street

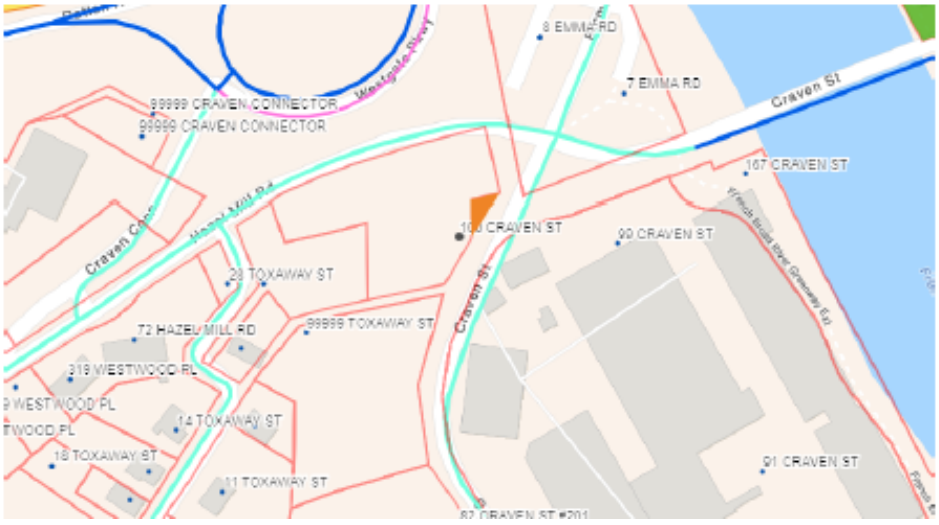
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Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Streets/Roads
- Private Streets/Roads
- Streets
- Proposed Easement
- Proposed Closure Area
- Parcel lines

2019 Ortho Imagery



RESOLUTION NO. 23-___

RESOLUTION DECLARING INTENT TO PERMANENTLY CLOSE AN EXCESS RIGHT-OF-WAY ADJACENT TO 100 CRAVEN STREET AND TO SET A PUBLIC HEARING FOR OCTOBER 10, 2023

WHEREAS, pursuant to section 160A-299 of the North Carolina General Statutes, the City of Asheville has the authority to permanently close streets and alleys, including unopened rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to set a public hearing to consider the request to permanently close an excess right-of-way adjacent to 100 Craven Street; and

WHEREAS, said right-of-way is not under the control of the N. C. Dept of Transportation;

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

1. The City Council declares its intent to permanently close a right-of-way.

2. The City Council hereby shall hold a public hearing on October 10, 2023 for the request to permanently close the excess right-of-way adjacent to 100 Craven Street, described as:

   Description of the portion of 44.84 ft.(northside) and 50.44 ft.(westside), and 147.96 ft. (eastside) to be closed as follows:

   BEGINNING on a five-eighths inch rebar with yellow plastic cap stamped: ED HOLMES & ASSOCIATES, hereinafter called: EHA rebar, said rebar being located in the western right-of-way of Craven Street and being southwest of the intersection of said street with Hazel Mill Road and Emma Road, and said rebar being the southeastern corner of the property of 9999 Hazel Mill Road, LLC described in Deed Book 5817, Page 800 of the Buncombe County Register of Deeds Office and said rebar being located the following three courses and distances from North Carolina Geodetic Survey monument: “Long John”, having North Carolina Grid coordinates, NAD’83 (2007) of: N 687,826.74 feet and E 933,277.74 feet; (1) N 80°57’41” E 4261.29 feet; thence (2) N 78°20’11” E 316.73 feet; and thence (3) S 10°26’31” E 112.50 feet; thence from said POINT OF BEGINNING thus established and with the western right-of-way lines and eastern boundary lines of said property the following three courses and distances: (1) S 75°23’14” W 44.84 feet to a five-eighths inch rebar flush with adjacent grade; thence (2) S 04°34’24” E 50.44 feet to an EHA rebar flush with adjacent grade; thence (3) S 27°26’36” W 75.00 feet to an EHA rebar half a foot below adjacent grade and under water; thence leaving said western right-of-way line and with a new line within said right-of-way N 29°58’53” E 147.96 feet to the POINT and PLACE OF BEGINNING. Containing 0.031± acres or 1359± square feet.

3. The public hearing is hereby called for on Tuesday, October 10, 2023, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

4. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on October 10, 2023.

5. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along Craven Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property adjoining this alley as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

   Read, approved and adopted this 12th day of September, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney