THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: September 26, 2023

Subject: New Haw Creek Sidewalk 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 New Haw Creek Sidewalk Construction Project.

Background:
- New Haw Creek Sidewalks are part of the 2016 Transportation Bond funded sidewalk improvements.
- The City of Asheville entered into a design contract with Mattern & Craig, Inc. in November 2017 for the engineering and design for sidewalks along New Haw Creek Road.
- This project will install a +/-1 mile of sidewalk along New Haw Creek Rd. from Beverly Rd. to Bell Rd., where no safe pedestrian facilities currently exist.
- Bidding for construction of the sidewalk is anticipated to occur in late calendar year 2023.
- 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

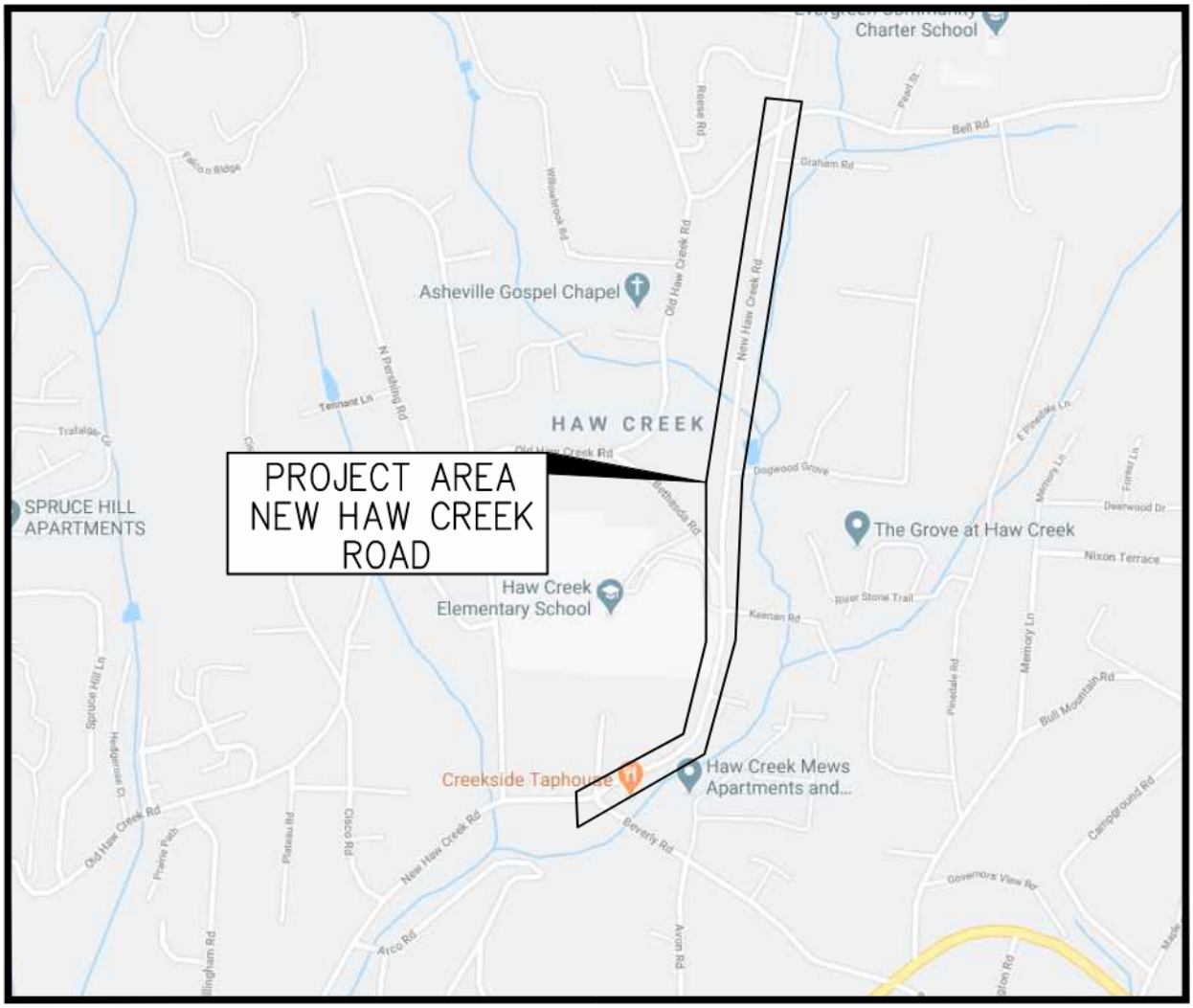
Pro(s):
- Will facilitate the completion of needed safe pedestrian improvements and safeguard the sidewalk construction schedule.

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

Fiscal Impact:
- The expected value of the needed easements is approximately $82,000. The appraisal value for the needed easements on each parcel is as follows:
  9658-89-3272: $12,426; 9658-88-1974: $20,274; 9659-91-0573: $21,475; 9659-91-2503: $2,000; 9659-92-1190: $6,075; 9658-89-8193: $19,450.
- Funding for these easements were 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 New Haw Creek Sidewalk Construction Project.

Attachment(s)
- Project area map
- Resolution


PROJECT AREA
NEW HAW CREEK
ROAD
HAW CREEK
Asheville Gospel Chapel
Haw Creek
Elementary School
Creekside Taphouse
Haw Creek Mews
Apartments and...
The Grove at Haw Creek
SPRUCE HILL
APARTMENTS
Charter School
Bell Rd
Graham Rd
Reese Rd
Old Haw Creek Rd
New Haw Creek Rd
Willowbrook Rd
N Parkling Rd
Tennant Ln
Trafalgar Ct
Dogwood Grove
Bethesda Rd
E Pineside Ln
Memory Ln
Timber Ln
Deerwood Dr
Nixon Terrace
River Stone Trail
Keenan Rd
Pineside Rd
Bull Mountain Rd
Campground Rd
Governors View Rd
Beverly Rd
Avon Rd
Spruce Hill Ln
Hedgerow Ct
Prairie Path
Plateau Rd
Cloco Rd
Arco Rd

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN EASEMENTS OVER REAL PROPERTY LOCATED ON THE CITY'S NEW HAW CREEK SIDEWALK 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 sidewalks along New Haw Creek Rd.; and

WHEREAS, the City's planned sidewalk installation project requires that it obtain easements across the following property (described by PIN): 9658-89-3272; 9658-88-1974; 9659-91-0573; 9659-91-2503; 9659-92-1190; 9658-89-8193; and

WHEREAS, the property owners were provided with offers of financial compensation for the needed easements, based on appraisals obtained from a North Carolina licensed appraiser; and

WHEREAS, this project installs a sidewalk along New Haw Creek Rd between Beverly Rd. and Bell Rd.; and

WHEREAS, the existing portion of the New Haw Creek Rd. has no safe 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 26th day of September, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney