THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: November 14, 2023

Subject: Vance Gap Slide Repair Condemnation Authority

Staff Resource(s): Brad Branham City Attorney; Greg Shuler, PW Director, Chad Bandy Streets Div Manager PW

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn drainage easements needed for a slide repair project on Vance Gap Road.

Background:

- A section of roadway slope failed as a result of Tropical Storm Fred. Temporary repairs have been made, permanent repairs are funded through the Capital Improvement Program.
- The City has obtained easements from all but one property owner whose properties would be impacted by the project.
- All property owners were provided with offers of financial compensation for the needed easements, based on assessed value or appraisals.
- This project permanently repairs the roadway slope of Vance Gap Road

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed slide repair project, and safeguard the project schedule.

Con(s):

- Will result in the commencement of eminent domain actions against one property owner.

Fiscal Impact:

- Funding for the required easements, estimated at $8,000, 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 an easement needed for a slide repair project on Vance Gap Road.

Attachment(s)

- Resolution

RESOLUTION NO. 23-____

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN AN EASEMENT OVER REAL PROPERTY LOCATED ON THE CITY'S VANCE GAP SLIDE REPAIR 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 repair a slope failure along Vance Gap Rd.; and

WHEREAS, the City's planned slide repair project requires that it obtain easements across the following property (described by PIN): 9649-94-0187

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

WHEREAS, this project to repair a slide along Vance Gap Rd.; and

WHEREAS, the existing portion of Vance Gap Rd is temporarily stable;

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

The City Attorney, 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