THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: May 23, 2023

Subject: Resolution of intent to permanently close an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Drive, and to schedule a public hearing on such closure for June 27, 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 June 27, 2023, to permanently close an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Drive.

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.
- Mike and Emily Sule (26 Sunrise Dr.; PIN 9638-77-3009) have petitioned for this closure on behalf of themselves and neighbors at 30, 34, and 38 Sunrise Drive.
- The owners wish to permanently close an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Drive; originally platted as “Westview Place” in 1924 and 2005 but was never accepted by the City.
- The right-of-way will be divided among the four properties and a new plat with appropriate water and Metropolitan Sewerage District easements will be filed.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee, March 20, 2023, unanimously recommended approval.
- Multimodal Transportation Commission, April 26, 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 June 27, 2023, to permanently close an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Drive.

Attachment(s):

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
Sunrise Drive

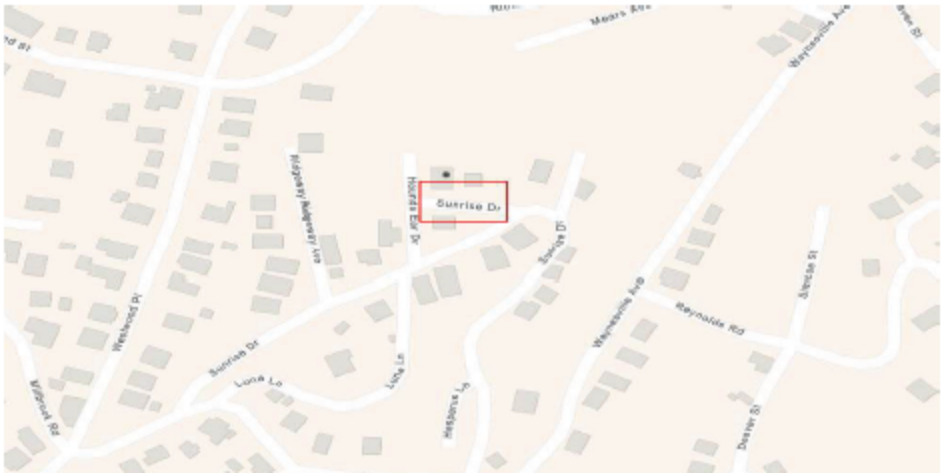
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Legend

- 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 Orthoimagery



RESOLUTION NO. 23-___

RESOLUTION TO SET A PUBLIC HEARING FOR JUNE 27, 2023 TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY ADJACENT TO 26, 30, 34, AND 38 SUNRISE DRIVE

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 unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Dr; 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 hereby shall hold a public hearing on June 27, 2023 for the request to permanently close an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Dr, described as:

   Description of the unopened right of way, PB 100, PG. 82 to be closed as follows:

   Beginning At A #5 Existing Iron Rebar (Eir) At Intersection Of The Northeast Margin Of Sunrise Drive (Aka. Oakview Road) & The Southern Margin Westview Place (Aka Sunrise Drive) Having North Carolina Grid Coordinates: N: 687,086.77' Nad 83/11 E: 937,334.84' Nad 83/11; Thence With The Line Of Lot 9, Plat Book 103 Page 24, And The Southern Margin Of Westview Place (Aka Sunrise Drive) The Following 3 Calls; A Curve Turning To The Left With An Arc Length Of 24.72', With A Radius Of 10.00', With A Chord Bearing Of N 10°52'21" W, With A Chord Length Of 18.89', To An Unmarked Point In The Southern Margin Of Sunrise Drive (Fka Portion Of Westview Place); Thence N 81°43'21" W, A Distance Of 89.89' To An Unmarked Point In The Southern Margin Of Sunrise Drive (Fka Portion Of Westview Place); Thence With A Curve Turning To The Left With An Arc Length Of 16.34', With A Radius Of 10.00', With A Chord Bearing Of S 51°27'06" W, With A Chord Length Of 14.58', To A #5 Eir Marking The Intersection Of The Southern Margin Of Sunrise Drive (Fka Portion Of Westview Place) And The West Margin Of Hounds Ear Drive; Thence Leaving Lot #9, With East Margin Of Hounds Ear Drive, N 00°01'37" W, A Distance Of 34.75' To A #4 Eir Marking The Intersection Of The East Margin Of Hounds Ear Drive & The North Margin Of Sunrise Drive (Fka Portion Of Westview Place), Also Being The Southwest Corner Of Lot 4, Plat Book 100 Page 82; Thence With Lots 4 & 3, Plat Book 100 Page 82, S 81°35'28" E, A Distance Of 111.88' To An Unmarked Point In The Northern Margin Of Sunrise Drive (Fka Portion Of Westview Place), And Being The Southeast Corner Of Said Lot 3; Thence Leaving Said Lot 3, S 44°03'22" E, A Distance Of 32.93' To An Unmarked Point; Thence S 59°58'39" W, A Distance Of 34.23' To A #5 Eir, The Point Of Beginning, Having An Area Of 3,138.8 Square Feet Or 0.07 Acres.

2. A public hearing on the question of permanently closing an unopened right-of-way adjacent to 26, 30, 34, and 38 Sunrise Dr; labeled Westview Pl on the Westwood Heights Subdivision plat recorded 11/01/2005 (BK100, PG82).

3. Is hereby called for on Tuesday, June 27, 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 June 27, 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 Sunrise Drive and Hounds Ear Dr. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, 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 23th day of May, 2023.

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City Clerk Mayor

Approved as to form:

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City Attorney