THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 10, 2023

Subject: Intent to Close an Unopened Right-of-Way and Setting a Public Hearing

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

Action Requested: Adoption of a resolution of intent to permanently close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street, associated with the Central United Methodist Church, and to schedule a public hearing on such closure for February 14, 2023.

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.
- Central United Methodist Church of Asheville has submitted an application requesting to permanently close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street.
- The subject right-of-way serves as the driveway in/out of the church's private parking lot.
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

Council Goal(s):

- A Well-Planned and Livable Community.

Committee(s):

- Technical Review Committee - 11/7/22 - unanimously recommended approval
- Multimodal Transportation Commission - 12/7/22 - 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 (additional) City resources and has no fiscal impact.

Suggested Motion:

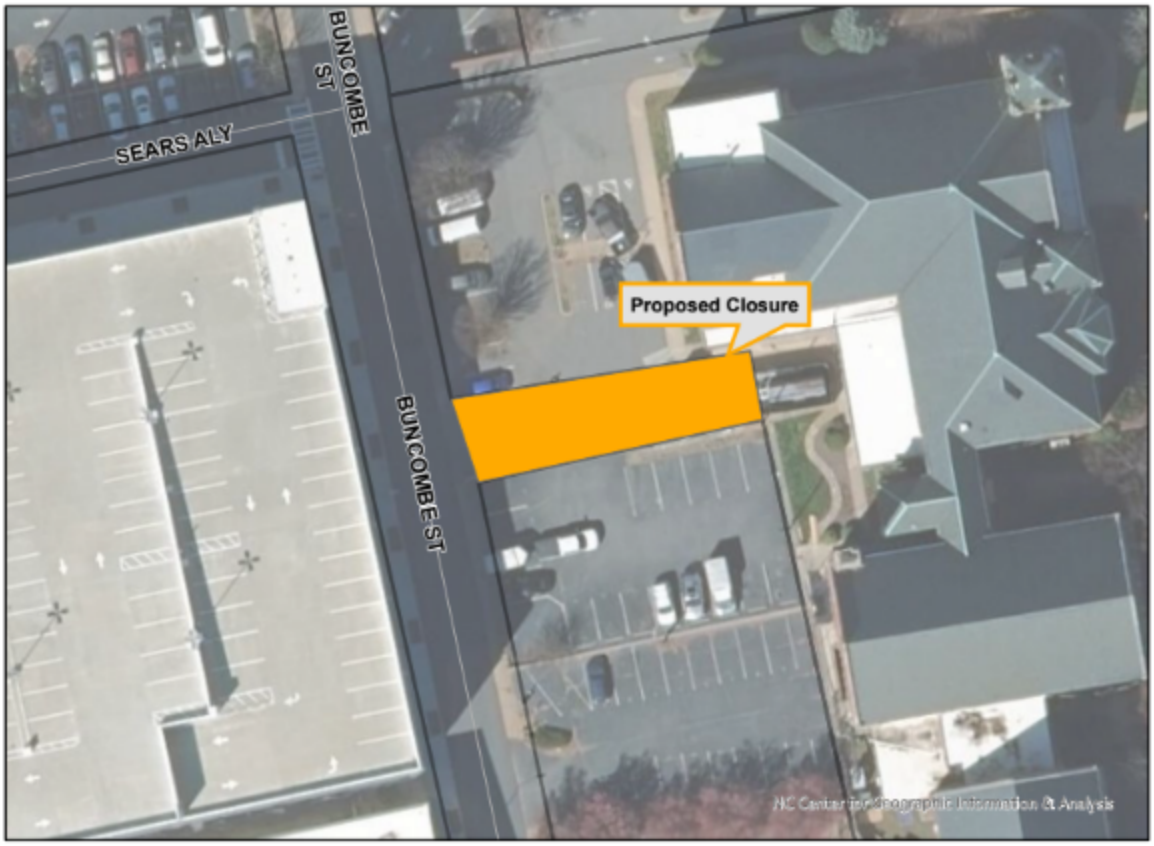
- Motion to adopt a resolution to set a public hearing for February 14, 2023, to permanently close an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street, associated with the Central United Methodist Church.

Attachment(s):

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
BUNCOMBE ST



Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Blue Ridge Parkway
- NC Interstate Highways
- Streets
- Proposed Easement
- Proposed Closure Area
- Parcels

2019 Orthoimagery



RESOLUTION NO. 23-___

RESOLUTION TO SET A PUBLIC HEARING FOR FEBRUARY 14, 2023 TO PERMANENTLY CLOSE UNOPENED RIGHT-OF-WAY CONNECTING TO THE EAST SIDE OF BUNCOMBE STREET BETWEEN COMMERCE STREET AND ASTON STREET, ASSOCIATED WITH THE CENTRAL UNITED METHODIST CHURCH

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 connecting to the east side of Buncombe Street between Commerce Street and Aston Street, associated with the Central United Methodist Church.; 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 February 14, 2023 for the request to permanently close a portion of an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street, associated with the Central United Methodist Church, described as:

   Description of the portion of 152.33 ft.(northside) and 152.91 ft.(southside) in length, and 25 ft. in width to be closed as follows:

   BEGINNING at a point in the Eastern margin of the concrete sidewalk along the eastern side of Buncombe Street (a 30 foot right of way) said point being marked with an “x” on a rock wall located on the east side of the sidewalk along Buncombe Street, approximately 198.5 feet from the Northeast corner of the intersection of Buncombe Street and Aston Street; thence N 77 deg., 59 min., 27 sec. E 152.91 feet, thence N 16 deg. 20 min. W approximately 25 feet, thence S 77 deg. 59 min. 27 sec. W 152.33 feet to a point marked with a bolt on the eastern edge of the above-referenced sidewalk; thence S 12 deg. 33 min. E approximately 25 feet to the point and place of BEGINNING. The same being the easternmost segment of Second Street, as the same is shown on a plat recorded in Plat Book 8 at Page 26 in the Buncombe County Registry.

2. A public hearing on the question of permanently closing an unopened right-of-way connecting to the east side of Buncombe Street between Commerce Street and Aston Street, is hereby called for on Tuesday, February 14, 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.

3. 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 February 14, 2023.

4. 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 Buncombe Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this right-of-way, 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 10th day of January, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney