THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: October 10, 2023

Subject: Permanently close an excess right-of-way adjacent to 100 Craven Street.

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

Action Requested: Adoption of a resolution to permanently close an excess right-of-way adjacent to 100 Craven Street.

Background:

- City Council passed a resolution on September 12, 2023 to set a public hearing for the proposed right-of-way closure on October 10, 2023.
- 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, including future connections for multimodal infrastructure, nor does it conflict with any utility access.
- Signs were placed at two locations along Craven Street announcing the public hearing and potential closure.

Council Goal(s):

- A Well-Planned and Livable Community

Committee(s):

- Technical Review Committee - July 17, 2023 - Recommended approval
- Multimodal Transportation Commission - August 23, 2023 - Unanimous 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 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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RESOLUTION NO. 23-___

RESOLUTION TO PERMANENTLY CLOSE AN EXCESS RIGHT-OF-WAY ADJACENT TO 100 CRAVEN STREET

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 permanently closing 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. Department of Transportation;

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

The City Council hereby permanently closes an 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.

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this the 10th day of October, 2023.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney