THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: November 15, 2022

Subject: Resolution of intent to permanently close a portion of an unopened right-of-way on Clayton Ave adjacent to 77 Hansel Ave, and to schedule a public hearing on such closure for December 13, 2022.

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 December 13, 2022, to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue.

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.
- Buncombe County Rescue Squad is the applicant.
- The applicant wishes to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue to rectify an error on the original plat (PB 2, PG. 78) that locates Clayton Avenue south of its true location.
- 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, October 3, 2022, unanimously recommended approval.
- Multimodal Transportation Commission, October 26, 2022, unanimously recommended approval.

Pro(s):
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.
- It corrects a platting error.

Con(s):
- None.

Fiscal Impact:
- There will be no fiscal impact related to this closure.

Suggested Motion:
- Motion to adopt a resolution to set a public hearing for December 13, 2022, to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue.

Attachment(s):

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
CLAYTON AVE

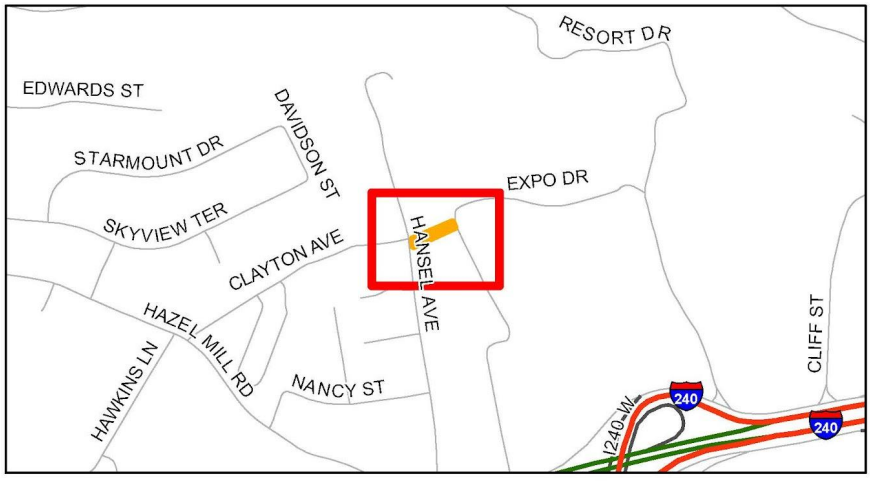
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Legend

- 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. 22-___

RESOLUTION TO SET A PUBLIC HEARING FOR DECEMBER 13, 2022 TO PERMANENTLY CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAy ON CLAYTON AVENUE ADJACENT TO 77 HANSEL AVENUE

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 on Clayton Avenue adjacent to 77 Hansel Avenue; 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 December 13, 2022 for the request to permanently close a portion of an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue, described as:

   Description of the portion of 270 ft in length and 40 ft in width, PB 2, PG. 78 to be closed as follows:

   Beginning at a point, said point being the northeastern corner of Lot 69 as shown on Plat Book 2, Page 78 in the Buncombe County Register, said point also laying in the western side of the 50’ right-of-way of the Regent Park Boulevard (f/k/a McElroy Ave.) and laying N 25°57'02" W a distance of 302.53’ from a rebar located in the northeastern corner of Lot 72 of Plat Book 2, Page 78 and as shown on Plat Book 53, Page 159; thence from the point of being along the northern line of Lots 65 through 69 as shown on Plat Book 2, Page 78 S 67°13'23" W a distance of 269.20' to a point in the eastern side of the 50’ right-of-way of Hansel Ave. as shown on Plat Book 2, Page 78; thence N 09°44'48" W a distance of 45.88' to a point in the southern line of the 40’ right-of-way of Clayton Ave. as shown on Plat Book 154, Page 157, Plat Book 143, Page 116 and Plat Book 75, Page 76; thence with the southern line of the 40’ Clayton Ave. right-of-way as shown on said plats, N 69°24'46" E a distance of 257.11' to a point in the western side of the 50’ right-of-way of the Regent Park Boulevard; thence with the right-of-way of Regent Park Boulevard S 25°57'02" E a distance of 34.93' to a point, which is the point of beginning. The area of right-of-way closure is 10,486.3 square feet, or 0.241 acres more or less.

2. A public hearing on the question of permanently closing an unopened right-of-way on Clayton Avenue adjacent to 77 Hansel Avenue Is hereby called for on Tuesday, December 13, 2022, 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 December 13, 2022.

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

Clayton Avenue and Hansel Avenue. 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 15th day of November, 2022.

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City Clerk Mayor

Approved as to form:

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City Attorney