THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: October 25, 2022

Subject: Developers of Woodfield River Arts in the River Arts District have requested easements to accommodate soil nails in retaining walls encroaching on City right-of-way on Artful Way and the heel portion of a spread footer at the base of a retaining wall on Clingman Extension.

Staff Resource(s): Ellen McKinnon, Real Estate Coordinator, Greg Shuler, Director of Public Works, Amy Deyton Asst. Director of Public Works, Chad Bandy Manager Streets Department, Jannice Ashley, Senior Assistant City Attorney

Action Requested: Adoption of a resolution authorizing the City Manager to grant easements on Clingman Avenue Extension and Artful Way to Woodfield River Arts, LLC.

Background:

- Woodfield River Arts, LLC is constructing a mixed use development on the former site of Dave's Steel at the corner of Clingman Avenue Extension and Roberts Street.
- This is a three acre site which will have 237 residential units and 362 parking spaces. Approximately 19,000 square feet of retail/commercial/restaurant space will also be available upon project completion.
- The project involves raising the vertical height of Roberts Street and installing stormwater drainage improvements that will provide additional capacity for conveyance through this area.
- The project will install approximately 600 linear feet of regional stormwater culvert and Council is considering a public / private partnership for a portion of these improvements located in the right-of-way of Roberts Street.
- Site limitations necessitate the construction of retaining walls on Clingman Avenue Extension and Artful Way.
- To secure the walls, improvements need to be made that extend onto the City's right-of-way under the roadway on Artful Way.
- Additional improvements are needed in order to complete the project on Clingman Extension that encroach onto City right-of-way.
- In order to conduct this work, two subsurface easements are needed as illustrated in the attached exhibits.
- The compensation for the two easements has been calculated based on the tax appraised value of the property and discounted by 50% due to the easements being subsurface, for a total value of $12,848 as fair market consideration for said easements.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This project will construct stormwater infrastructure improvements within the public right-of-way.
- The easement within Artful Way is a public benefit as well in that the soil nail wall proposed will stabilize the slope between the property and Artful Way where there have been small slope failures in the recent past.

Con(s):

- Construction requires subsurface easements in the City's right-of-way.

Fiscal Impact:

- The City will be compensated $12,848 for granting the easements, generating additional revenue for the General Fund.

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to convey two permanent subsurface easements within City right-of-way on Clingman Avenue Extension and Artful Way to Woodfield River Arts, LLC.

Attachments:

- Resolution
- Location Map
- Easement Maps

RESOLUTION NO.22- _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY TWO SUBSURFACE PERMANENT EASEMENTS ON CITY RIGHT OF WAY ON CLINGMAN AVENUE EXTENSION AND ARTFUL WAY IN THE RIVER ARTS DISTRICT, TO WOODFIELD RIVER ARTS, LLC

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of right-of-way on Clingman Avenue Extension and Artful Way between Haywood Road and Roberts Street in the River Arts District; and

WHEREAS, Woodfield River Arts LLC, has requested two Permanent Subsurface Easements containing approximately 660 SF on Artful Way and 800 SF on Clingman Avenue and has agreed to pay $12,848.00 as fair market consideration for said easements; and

WHEREAS, it has been determined that the granting of these easements in the right-of-way shall not substantially impair or hinder the use of the street as a way of passage; and

WHEREAS, the City is benefitting from the installation of stormwater improvements within the public right-of-way and slope stabilization on Artful Way;

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

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey two permanent subsurface easements within a portion of City right of way at Clingman Avenue Extension and Artful Way to Woodfield River Arts LLC. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 25th day of October, 2022.

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City Clerk Mayor

Approved as to form:

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City Attorney