THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: October 25, 2022

Subject: Public Private Partnership Stormwater Agreement with Woodfield River Arts, LLC

Staff Resource(s): Russ Davis, Stormwater Division Manager
Greg Shuler, Public Works Director

Action Requested: Adoption of a resolution authorizing the City Manager to 1) execute a public/private stormwater agreement with Woodfield River Arts, LLC to construct a new storm drainage system within the public right-of-way on Roberts Street; and 2) to approve a budget amendment to appropriate fund balance of $250,000 in the Stormwater Fund for the improvements within the public right-of-way via a reimbursement to Woodfield River Arts, LLC.

Background:

- Woodfield River Arts, LLC is the owner of a 2.88 acre property located at 146 Roberts Street, in the River Arts District.
- The developer has plans to construct a new 237-unit multi-family housing and retail development on the property.
- The site has an existing private stormwater system consisting of an old rock culvert running under the property and Roberts Street which carries stormwater from a large drainage area.
- The owner/developer desires to relocate this culvert to a better suited location on the property and connect back into the City's public right-of-way along Roberts Street by replacing it with a larger concrete drainage pipe.
- The remaining portion of the old rock culvert that exists within the Roberts Street Right-of-Way will also be removed and replaced with a new concrete drainage pipe.
- After installation of the new pipes, the curbing, asphalt, sidewalk, etc. will be replaced.
- Through a public/private partnership, the City will gain new appropriately sized stormwater infrastructure along Roberts Street in a more expedient time frame and at costs that are less than if the improvements were undertaken by the City's own forces.
- Engineers and contractors hired by Woodfield River Arts, LLC will design and construct the new stormwater system, curb and asphalt within the right-of-way on Roberts Street, the total cost of which is estimated to be $361,610.39; and the City will reimburse Woodfield River Arts, LLC an amount not to exceed $250,000 for the improvements within the public right-of-way.
- The cost of the reimbursement ($250,000) will come from a fund balance appropriation in the Stormwater Fund.
- Via Resolution No. 16-244 dated November 8, 2016, the Asheville City Council authorized the City Manager to enter into a public/private stormwater agreement with the previous developer/owner (RAD Lofts, LLC/146 Roberts, LLC) to effectuate the aforementioned terms of the relocation and construction of the new stormwater infrastructure; the previous owner never commenced this stormwater construction and the City did not expend any funds under that previous agreement.
- This new agreement will replace and supersede the previous agreement.
- Construction is currently underway for the large culvert replacement in Roberts Street.
- The older existing rock culvert has been removed inside the Right-Of-Way already.

Council Goal(s):

- A Financially Resilient City
- A Clean and Healthy Environment
- Resilient and Sustainable Infrastructure

Committee(s):

- None

Pro(s):

- Provides for the installation of new drainage infrastructure to be located within the public right-of-way.

Con(s):

- Requires City funding for a portion of the project cost.
- The City will be responsible for the ongoing maintenance of this system in the right-of-way (already responsible for drainage located in the right-of-way; this replaces old and undersized infrastructure).

Fiscal Impact:

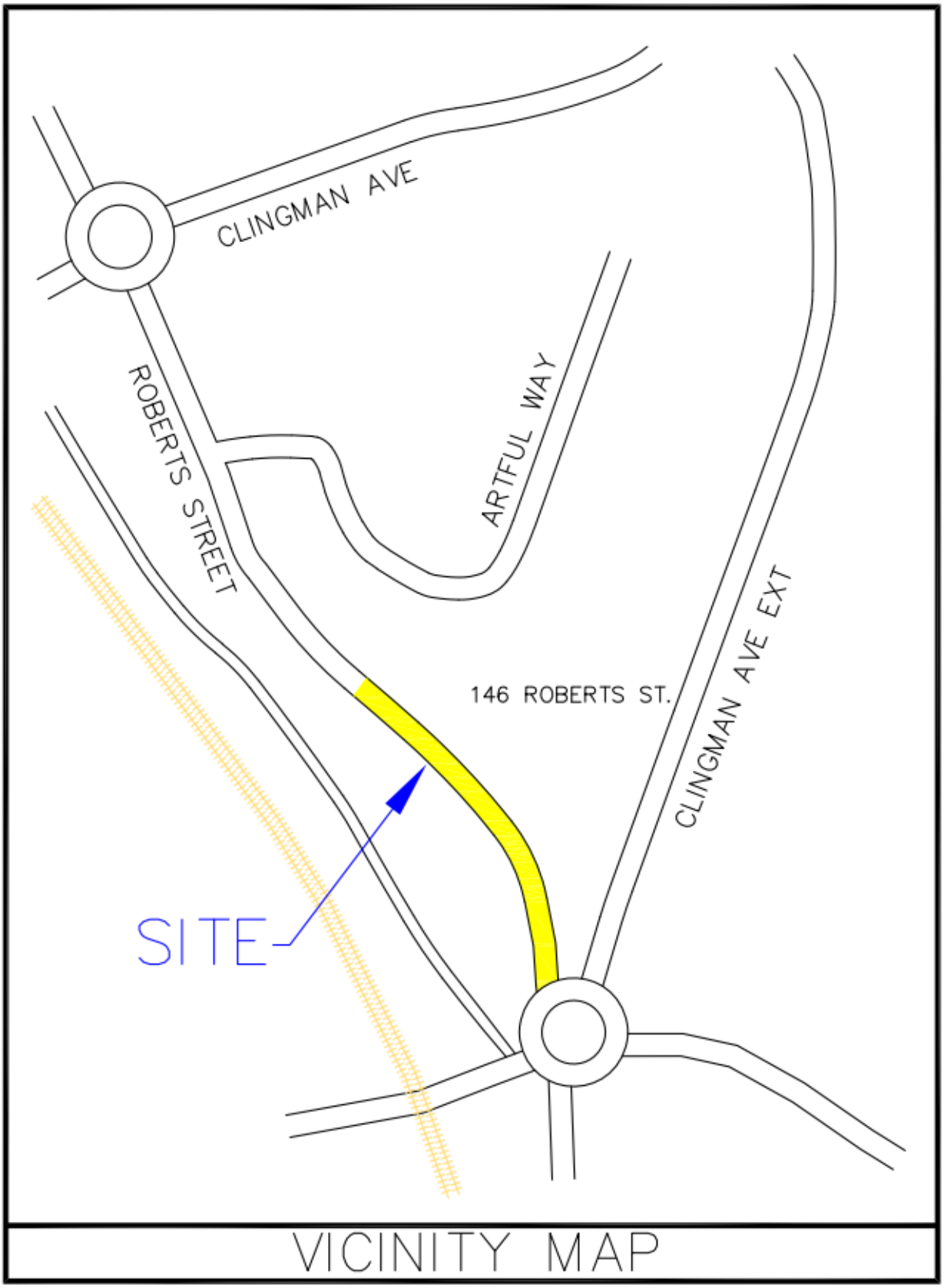
- Reimbursement per the agreement will be funded by a fund balance appropriation of $250,000 in the Stormwater Fund.
- Based on current estimates, the fund should remain within its fund balance policy target of 8% of annual expenses.

Suggested Motion:

- Resolution authorizing the City Manager to execute a public/private stormwater agreement with Woodfield River Arts, LLC to construct a new storm drainage system within the public right-of-way on Roberts Street; and to approve a budget amendment to appropriate $250,000 from the fund balance of the Stormwater Fund for the improvements within the public right-of-way via a reimbursement to Woodfield River Arts, LLC.

Attachment(s):

- Vicinity Map
- Resolution
- Budget Amendment



VICINITY MAP

RESOLUTION NO. 22-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PUBLIC/PRIVATE STORMWATER AGREEMENT WITH WOODFIELD RIVER ARTS, LLC TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT-OF-WAY OF ROBERTS STREET

WHEREAS, pursuant to NCGS §160A-320, the City has the ability to enter into a public private partnership agreement to reimburse a private developer/property owner for construction of public enterprise improvements; and

WHEREAS, the Woodfield River Arts project site has an existing box culvert running under its property which carries stormwater from a large drainage area and the proposed improvement project would relocate this culvert to a better suited location on the property and connect back into the City's public right-of-way along Roberts Street; and

WHEREAS, the proposal is for the developer's/owner's team to design and construct the new stormwater system, the total cost of the improvements in the right-of-way are estimated at $333,466, and the City would reimburse the developer/owner in an amount not to exceed $250,000 for the improvements within the public right-of-way; and

WHEREAS, the City through this partnership, will gain new stormwater infrastructure along Roberts Street in a more expedient timeframe and at costs that are less than if the improvements were undertaken by the City's own forces; and

WHEREAS, via Resolution No. 16-244, the Asheville City Council authorized the City Manager to enter into a public/private stormwater agreement with the previous Developer/Owner (RAD Lofts, LLC and 146 Roberts, LLC) but construction of the new stormwater infrastructure was never commenced and the City expended no funds under that previous agreement; and

WHEREAS, this new resolution will serve to repeal and replace Resolution No. 16-244 and this new stormwater agreement with the current owner (Woodfield River Arts, LLC), will replace and supersede the previous agreement;

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

The City Manager is hereby authorized to execute on behalf of the City of Asheville a public/private stormwater agreement with Woodfield River Arts, LLC to construct a new storm drainage system within the public right-of-way of Roberts Street and reimburse Woodfield River Arts, LLC an amount not to exceed $250,000 for improvements made in said right-of-way.

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

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City Clerk Mayor

Approved as to form:

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City Attorney

ORDINANCE NO. _____

BUDGET ORDINANCE AMENDMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE

That Section 1 of the City of Asheville Annual Operating Budget Ordinance be amended to provide a fund balance appropriation of $250,000 to reimburse Woodfield River Arts, LLC for improvements made in the public right-of-way along Roberts Street, as follows:

STORMWATER FUND

Revenues:	
Appropriated Fund Balance	$250,000
Appropriations:	
Contracted Services	$250,000

That this ordinance shall be in full force and effect upon the date of final passage.

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

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney