Staff Report

Council Meeting Date: September 27, 2022

Subject: The N.C. Dept. of Transportation **(**NCDOT) is requesting an easement in order to make road and drainage improvements on Mills Gap Road near the City's water tank.

Staff Resource(s): Leslie Carriero, Assistant Director of Water Resources
Chad Pierce, Manager Engineering Services
Brendan Kelley, Supervisor Water Plant

Action Requested: Adoption of a resolution authorizing the City Manager to convey a road and drainage easement to NCDOT for the construction of road and drainage improvements along Mills Gap Road near the water tank.

Background:

- The City of Asheville owns real property at PIN #9655-43-8306 on Mills Gap Road.
- A water tank is located on this site along with associated water distribution lines.
- NCDOT is requesting this easement in order to complete a road widening project that includes turning lanes at selected intersections.
- A six (6) foot sidewalk will be installed on the east side of the road.
- The project will also include corrections to ongoing drainage issues.
- NCDOT approached both the Water Resources Department and the Real Estate Office to process the easement.
- Water Resources has reviewed documents and plans to insure that there will be no damage to their infrastructure as a result of the project.
- The Real Estate Office reviewed the appraisal that has been certified by the state appraisal office and it was appropriately conducted.
- NCDOT is compensating the City $45,200 for the following:
    - .189 acres of Right of Way
    - .037 acres of Temporary Construction Easement
    - .020 acres of Permanent Drainage Easement
    - .226 acres of Permanent Utility Easement

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- The road in front of the City's water tank will be improved along with its drainage system.

Con(s):

- The land is unavailable for City use and NCDOT will be able to control what occurs within a portion of the City's right of way.

Fiscal Impact:

- The City will receive approximately $45,200 for a road and drainage easement and right of way for the granting of this easement, which will benefit the Water Enterprise Fund.

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to grant this easement to the NCDOT in order to make road and drainage improvements on Mills Gap Road near the City's water tank.

Attachment(s):

- Resolution
- Location Map
- Easement with Legend

RESOLUTION NO. 22-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A ROAD RIGHT OF WAY, DRAINAGE, UTILITY AND TEMPORARY CONSTRUCTION EASEMENT AT THE CITY OF ASHEVILLE'S WATER TANK ON MILLS GAP ROAD

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 the property located on Mills Gap Road, identified as PIN # 9668-03-9619 and currently accommodating the City's water tank; and

WHEREAS, NC Department of Transportation, has requested the conveyance of .189 acres +/- of right of way, Permanent Drainage Easement containing approximately 0.02 acres, Permanent Utility Easement containing 0.226 acres +/- and Temporary Construction Easement of approximately .037 acres over a portion of said property on Mills Gap Road and has agreed to pay $45,200 as fair market consideration for said easement;

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 permanent and temporary easements over a portion of City-owned property on Mills Gap Road to the NC Department of Transportation. 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 27th day of September, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney