THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: July 26, 2022

Subject: Permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue, associated with the Avery Project.

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

Action Requested: Adoption of a resolution to permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with the Avery Project.

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.
- Delray Ventures has petitioned for this closure associated with the Avery Project located at 363 Hilliard.
- The City Council approved the Conditional Zoning request for the Avery Project on March 8, 2022.
- Another unopened right-of-way known as Rear Clingman Avenue associated with the Avery was previously closed by the City Council on April 26, 2022.
- The right-of-way under this request was not requested to be closed at that time because both staff and the applicant did not believe it to be necessary, however the applicant's title company, as well as the NCDEQ, which is providing Brownfield remediation funding, have indicated that it does in fact need to be closed.
- The Technical Review Committee (TRC) did not review this specific closure request due to time constraints; however, the overall project has been reviewed by TRC multiple times and the right-of-way was discussed as part of that process.
- On June 28, 2022, the City Council passed a resolution of intent and set a public hearing for July 26, 2022, to permanently close the right-of-way.
- Signs were placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - June 22, 2022 - unanimously recommended approval of the request.

Pro(s):

- Promotes sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None

Fiscal Impact:

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

Suggested Motion:

- Motion to adopt a resolution to permanently close an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with the Avery Project.

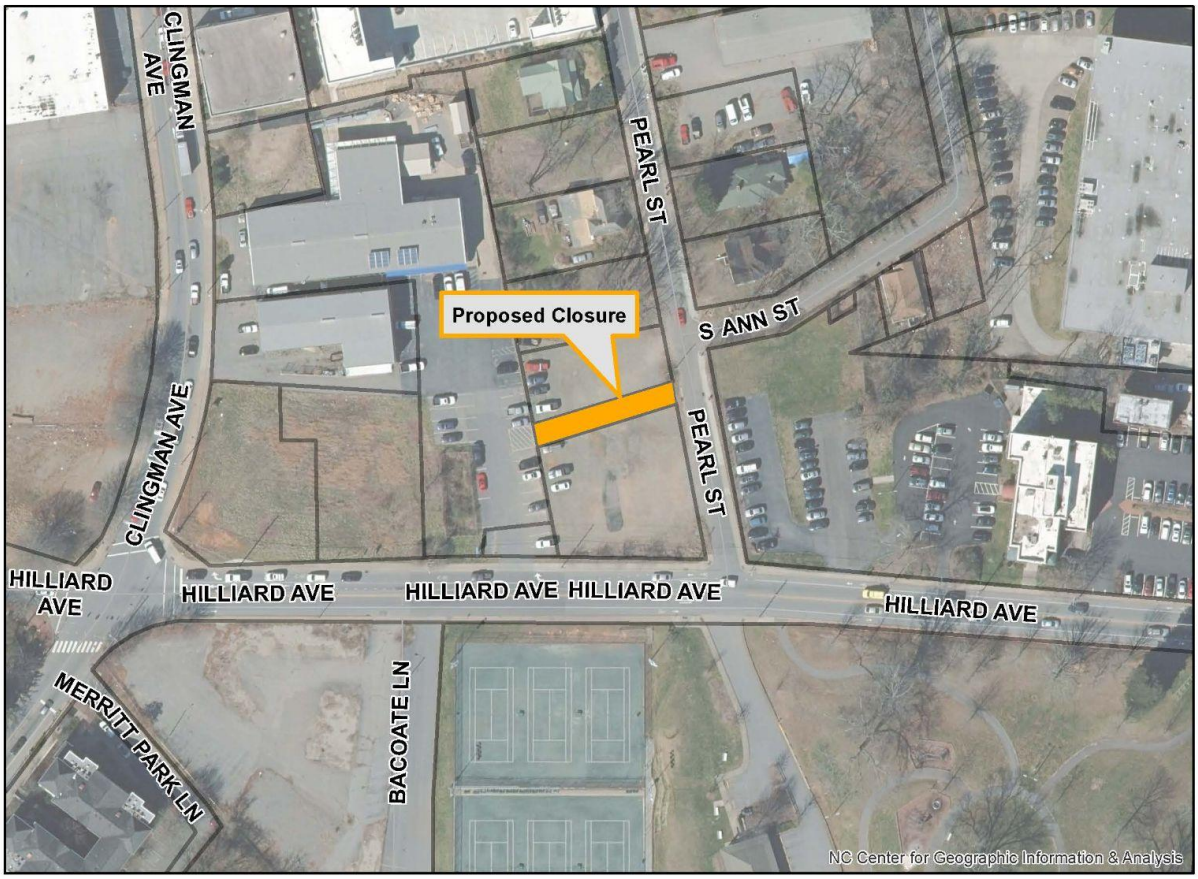
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
AVERY PROJECT ALLEY

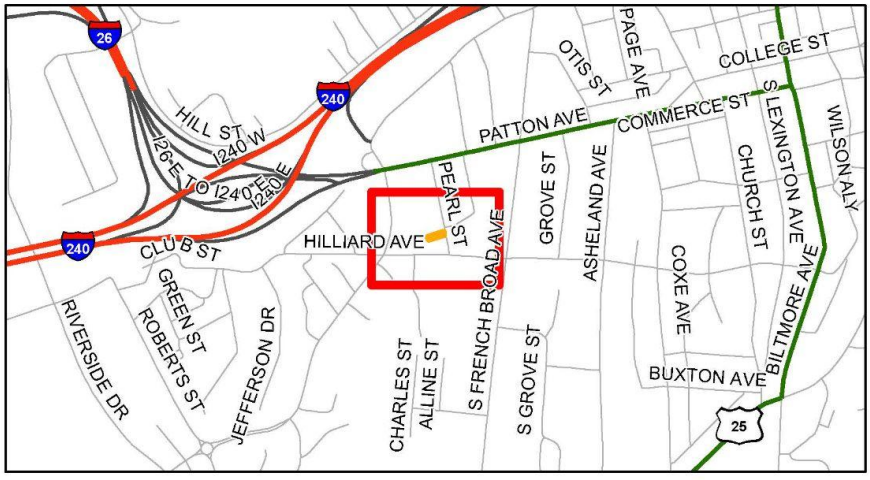
N



Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Blue Ridge Parkway
- NC Interstate Highways
- Streets
- Proposed Easement
- Parcels

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RESOLUTION NO. 22-___

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY WEST OF PEARL STREET, BETWEEN PATTON AVENUE AND HILLIARD AVENUE ASSOCIATED WITH THE AVERY PROJECT.

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 unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with the Avery Project; 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:

The City Council hereby permanently closes an unopened right-of-way west of Pearl Street, between Patton Avenue and Hilliard Avenue associated with the Avery Project, described as follows:

> Beginning at a #5 rebar located at the intersection of the western right-of-way of Pearl Street and southern margin of an un-opened alley, being designated as the point of beginning. Said point of beginning also being located N 10°48’06” W a distance of 127.66’ from the intersection of the northern right-of-way of Hilliard Avenue and the western right-of-way of Pearl Street, marked by a chiseled X in concrete sidewalk. From said point of beginning running S 72°52’00” W a distance of 120.31’ to a #5 rebar; thence running N 11°23’37” W a distance of 20.02’ to a magnetic nail; thence running N 72°59’35” E a distance of 120.56’ to a #5 rebar on the western right-of-way of Pearl Street; thence running along the western right-of-way of Pearl Street S 10°36’17” E a distance of 19.78’ to a #5 rebar, the point of beginning, having an area of 0.05 acre or 2,383 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 26th day of July, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney