THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: June 28, 2022

Subject: Permanently close an unopened right-of-way east of Wilmington Road and south of 907 Old Fairview Road.

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 east of Wilmington Road and south of 907 Old Fairview Road.

Background:

- City Council passed a resolution May 24, 2022 to set a public hearing for the proposed closure on June 28, 2022.
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Beverly Cozort, owner of 907 Old Fairview Road has petitioned for this closure.
- Ms. Cozort owns the property at 907 Old Fairview Road and wishes to close the unopened right of way behind her parcel in order to allow her neighbor at 24 Wilmington to subdivide and add the eastern half of her parcel to Ms. Cozort's.
- The Technical Review Committee reviewed the closure request and recommended approval at their April 18, 2022 meeting.
- The Multimodal Transportation Commission reviewed the closure request and recommended approval at their April 27, 2022 meeting.
- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened 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):

- The Technical Review Committee reviewed the closure request and recommended approval at their April 18, 2022 meeting.
- The Multimodal Transportation Commission reviewed the closure request and recommended approval at their April 27, 2022 meeting.

Pro(s):

- There are no utility conflicts, nor any transportation connectivity opportunities associated with this unopened right-of-way.

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 east of Wilmington Road and south of 907 Old Fairview Road.

Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
SOUTH OF
907 OLD FAIRVIEW ROAD

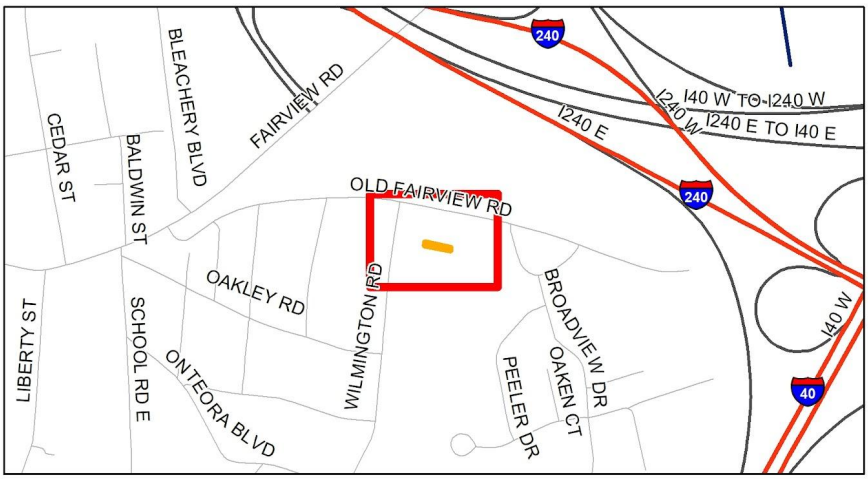
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Legend

- 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 PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY EAST OF WILMINGTON ROAD AND SOUTH OF OLD FAIRVIEW ROAD

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 east of Wilmington Road and south of 907 Old Fairview Road; 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 east of Wilmington Road and south of 907 Old Fairview Road, described as follows:

Description of the portion of “12 Ft. St.” P. B. 9, Pg. 27 to be closed as follows:

Beginning at the north east corner of Lot 18, Plat Book 9, Page 27; thence with the southern line of “12 Ft. St.” and northern line of Lot 18, Lot 17, and Lot 16 N 79° 30’ 00” W – 134.85’ to a point in the northern line of Lot 16; thence N 06° 30’ 32” E – 10.58’ to a point in the southern line of Lot 3; thence with the southern line of Lot 3, Lot 2, and Lot 1, and the northern line of “12 Ft. St.” S 79° 30’ 00” E – 134.66’ to the south east corner of Lot 1 of Plat Book 9, Page 27; thence S 05° 29’ 00” W – 10.60’ to the point and place of beginning. Being the eastern portion of “12 Ft. St.” as shown at Plat Book 9, Page 27 of the Buncombe County Registry.

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 28th day of June, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney