THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: May 24, 2022

Subject: Resolution of intent to permanently close an unopened right of way east of Wilmington Road and south of 907 Old Fairview Road, and to schedule a public hearing on such closure for June 28, 2022

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

Action Requested: Adoption of a resolution to set a public hearing for June 28, 2022, to permanently close an unopened right of way east of Wilmington Road and south of 907 Old Fairview Road.

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.
- 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 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.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Technical Review Committee - April 18, 2022 - unanimously recommended approval.
- Multimodal Transportation Committee - April 22, 2022 - unanimously recommended approval.

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 approve the setting of a public hearing for June 28, 2022 for the request and intent 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

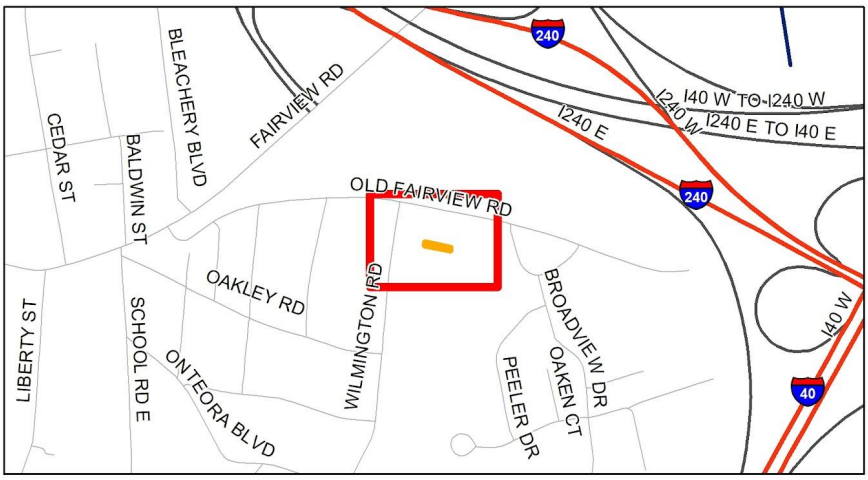
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Legend

- 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 SET A PUBLIC HEARING FOR JUNE 28, 2022 FOR THE REQUEST AND INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT OF WAY EAST OF WILMINGTON ROAD AND SOUTH OF 907 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 declaring its intent to set a public hearing to consider the request to permanently close 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:

1. The City Council hereby shall hold a public hearing on June 28, 2022 for the request and intent to permanently close an unopened right of way east of Wilmington Road and south of 907 Old Fairview Road, described as:

   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.

2. A public hearing on the question of permanently closing an unopened right of way east of Wilmington Road and south of 907 Fairview Road Is hereby called for on Tuesday, June 28, 2022, at the regular meeting of City Council beginning at 5:00 pm., in the Council Chamber, located on the 2nd Floor of City Hall, located at 70 Court Plaza, Asheville,, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on June 28, 2022.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of Old Fairview Road and Wilmington Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 24th day of May, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney