THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 26, 2022

Subject: Permanently close right-of-way alley known as Rear Clingman Avenue

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

Action Requested: Adoption of a resolution to permanently close a right-of-way alley known as Rear Clingman Avenue off the eastern side of Clingman Avenue associated with the Avery Project.

Background:

- City Council passed a resolution March 22, 2022 to set a public hearing for the proposed closure on April 26, 2022.
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Delray Ventures has petitioned for this closure associated with the Avery Project located at 363 Hilliard.
- The Avery Project was approved by the City Council at the March 8, 2022 meeting.
- The City Council initially denied the project at their February 22 meeting.
- This closure will not impede any future transportation connections nor does it conflict with any utility access.
- 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):

- This closure request was recommended for approval by the Technical Review Committee on November 15, 2021 based on the Avery Project proposal, including the project's site plan, pedestrian improvements, and proposed bike lane improvements.
- The Multimodal Transportation Commission (MMTC) reviewed the ROW closure request on February 23, 2022, following the February 22 City Council meeting.
- Due to the Council's initial denial of the project's Conditional Zoning, the MMTC denied the ROW Closure.
- Staff did not return to the MMTC following the Council's March 8 approval due to time constraints and the Council's reversal on the Avery Project.

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 a right-of-way alley known as Rear Clingman Avenue off the eastern side of Clingman Avenue associated with the Avery Project.

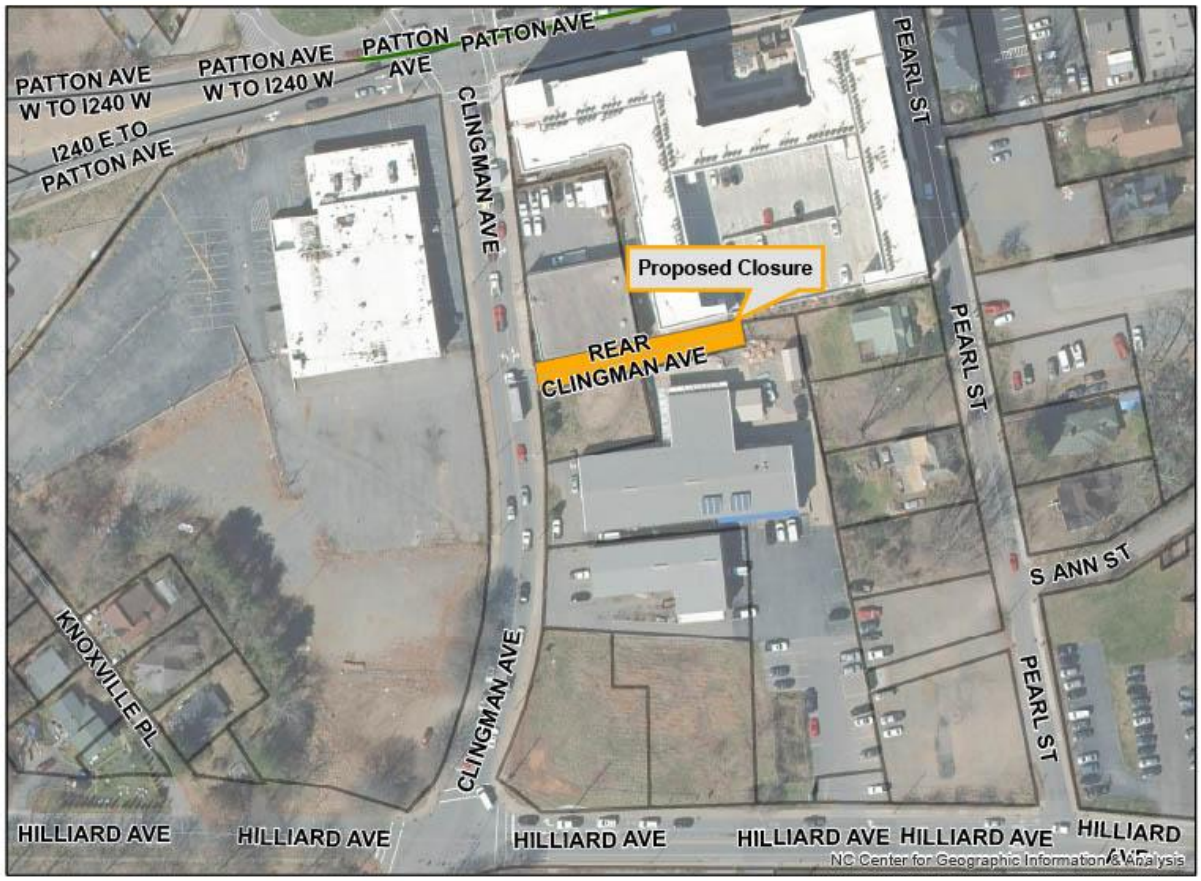
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
REAR CLINGMAN AVE

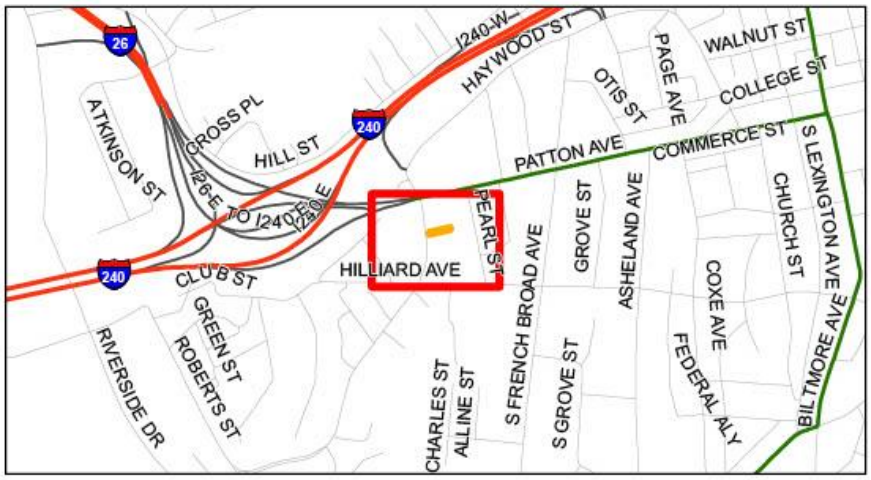
N



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 A RIGHT-OF-WAY ALLEY KNOWN AS REAR CLINGMAN AVENUE OFF THE EASTERN SIDE OF CLINGMAN 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 a right-of-way alley known as Rear Clingman Avenue off the eastern side of Clingman 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 a right-of-way alley known as Rear Clingman Avenue off the eastern side of Clingman Avenue associated with the Avery Project, described as follows:

Beginning at a #6 rebar located at the intersection of the southern right-of-way of Rear Clingman Avenue and the eastern right-of-way of Clingman Avenue, having NC Grid (NAD83-2011) coordinates of N: 689,439.17, E: 941,282.77, being designated as the point of beginning; thence running along the eastern right-of-way of Clingman Avenue N 07°25'59" W a distance of 20.89' to a unmarked point; thence running along the northern right-of-way of Rear Clingman Avenue N 77°59'00" E a distance of 87.99' to a rebar found; thence continuing N 77°53'28" E a distance of 85.16' to a rebar found; thence with the end of Rear Clingman Avenue S 11°09'22" E a distance of 19.07' to a magnetic nail found; thence running along the southern right-of-way of Rear Clingman Avenue S 76°52'36" W a distance of 28.76' to a bolt on top of wall; thence continuing S 77°30'12" W a distance of 60.28' to a bolt on top of wall; thence continuing S 77°25'41" W a distance of 85.51' to a #6 rebar; which is the point of beginning, having an area of 3,479 square feet, 0.080 acre.

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 April, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney