THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 12, 2022

Subject: The City of Asheville proposes to sign a three (3) year lease with Citizens Fuel to allow them to place two dumpsters and one small storage building on City property.

Staff Resource(s): Jakob Klodt, Fleet Division Manager, Public Works Department
Lauren Brune, Financial Business Manager, Public Works Department

Action Requested: Adoption of a resolution authorizing the City Manager to execute a lease agreement between Citizens Fuel and the City of Asheville.

Background:

- The City of Asheville owns a parking lot at 9999 Biltmore Avenue.
- There are two dumpsters and one storage building situated on the parking lot immediately adjacent to the City's Fueling Station.
- Citizens Fuel (formerly Eblen) has been paying the City via the Public Works Department $270.00 per month in return for use of the space; however, there is no written agreement on file.
- Public Works has indicated that there are no concerns with the dumpsters and storage building remaining on the property so long as Citizens Fuel remain current on their payments and carry appropriate insurance.
- The Legal Department recommended a lease as the best mechanism to allow this use of City property.
- The current rental rate of $270.00 per month will continue, but an annual escalation fee of 3% will be included in the lease, with a proposed term of three years.
- The new lease allows the City to require Citizens Fuel to move the dumpsters and/or storage building or to remove them entirely with ninety days' notice.

Council Goal(s):

- A Thriving Local Economy

Committee(s):

- None

Pro(s):

- The City is receiving revenue from this site and it will increase by 3% every year.
- The City can request that these facilities be moved or removed if the City changes its plans for the site.

Con(s):

- The City will not be using the space for its own purposes.

Fiscal Impact:

- The City will be receiving $3,240 during the first year.
- All income from this lease will be deposited in the General Fund.

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to execute a lease with Citizens Fuel.

Attachment(s):

- Resolution
- Location Map
- Photo

RESOLUTION NO. 22-_____

RESOLUTION AUTHORIZING A LEASE AGREEMENT BETWEEN CITIZENS FUEL AND THE CITY OF ASHEVILLE FOR STORAGE

WHEREAS, N.C. Gen. Stat. §160A-272 authorizes the lease of City-owned property for such terms and conditions as the Council sees fit, for periods of up to 10 years upon 30 days' public notice; and

WHEREAS, the City of Asheville is the owner of real property located at 9999 Biltmore Avenue identified as PIN # 9648-47-4704-00000, which is currently used as a parking lot; and

WHEREAS, Citizens Fuel has been storing two dumpsters and one small storage building on the City parking lot and paying $270.00 per month; and

WHEREAS, the City of Asheville's Public Works Department has determined that the dumpsters and storage building in no way impede its activities on this site and the adjacent Fueling Station; and

WHEREAS, the City will allow this use to continue as long as a lease agreement is in place and the City can move or remove the dumpsters and storage building with adequate notice;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Lease Agreement between Citizens Fuel and the City of Asheville for property located at at 9999 Biltmore Avenue (9648-47-4704-00000). 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 12th day of April, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney