THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 11, 2022

Subject: Granting of an Easement to accommodate a private residence at 33 Oak Hill Drive.

Staff Resource(s): Nikki Reid, Director of Community & Economic Development
Ellen McKinnon, Real Estate Coordinator

Action Requested: Adoption of a resolution to authorize the City Manager to execute an easement allowing the construction of a sewer connection across city property on Oak Hill Drive.

Background:

- Owner of the property approached the Real Estate office requesting a sewer easement for a rental property.
- The property is currently served by a septic system that is failing.
- The property owner provided a map that showed that the connection is at the rear property line and the easement would consist of 150 square feet.
- The only reasonably feasible way for the property owner to connect to the Metropolitan Sewer District's line is across city property.
- The owner has few feasible options for a sewer connection at this location.
- The property is being land banked for affordable housing, but the development timetable is uncertain at this point.
- The owner was asked to move the sewer connection line close to the adjacent property to impact the buildability of the City's lot as little as possible.
- Language will be added to the easement document to allow the city to move the connection in the future and the property owner will be required to share in the cost.
- The owner of the property will compensate the City fair market value for the easement.
- The Real Estate Office reviewed active listings in the area and the fair market value of this easement is $345.00.

Council Goal(s):

- Well Planned and Livable Community

Committee(s):

- None.

Pro(s):

- Easement will allow the property owner to replace a failing septic system that is within City limits, thereby eliminating a potential public health hazard.
- Property Owner will be paying market value for the easement.

Con(s):

- The sewer connection may have to be relocated at a later date and the owner will be required to participate in the expense.

Fiscal Impact:

- The fair market value of the easement in the amount of $345 will benefit the General Fund.

Suggested Motion:

- Motion to adopt a resolution to authorize the City Manager to execute an easement agreement and to execute any other related documents needed to complete the transaction..

Attachment(s):

- Resolution
- Map

RESOLUTION NO. 22-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT 29 OAK HILL DRIVE FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of property at 29 Oak Hill Road , identified as PIN # 9629-90-2093 (the “Property”); and

WHEREAS, the property owner of an adjacent parcel has requested an easement through the city property of approximately 150 square feet whose fair market value has been determined to be $345.00 and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City’s Community and Economic Development Department was consulted and has no objections to the connection based upon its location, minimal impact to the Property, and because the easement can be moved at a later time should it become necessary as a result of city development plans;

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

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property whose entrance is at 29 Oak Hill Drive. 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 11th of January, 2022.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney