THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: June 22, 2021

Subject: Easement Being Requested by 99 Riverside LLC

Staff Resource(s): Greg Shuler, Director of Public Works
Ellen McKinnon, Real Estate Coordinator

Action Requested: Adoption of a resolution authorizing the City Manager to grant a permanent easement to 99 Riverside LLC.

Background:

- The building at 99 Riverside Drive was constructed in the 1960s.
- A recent survey showed that the existing loading dock is located on the City right-of-way.
- The "Old Wood Company" operated at this site has closed after twelve years in business.
- The space will now have a new tenant.
- The new tenant would like to use the old loading dock in the front of the building as their new entrance.
- There is ample area between the loading dock and the new improvements completed as part of RADTIP.
- Staff believes that granting this easement will in no way impede the flow of pedestrian, bike and auto traffic along Riverside Drive.
- The Real Estate Office has proposed a permanent easement instead of an encroachment, because this improvement is a permanent part of the building and is an existing issue.
- A survey has been completed and the easement area is 312 square feet.
- The property owner will be charged fair market value for the square footage that is needed, for a total amount of $5,000.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- City staff has determined the granting of this easement will in no way impede traffic on Riverside Drive.
- The City is being compensated $5,000 which is fair market value.

Con(s):

- The City will be losing some right of way.

Fiscal Impact:

- The City is being paid $5,000 for this easement.

Suggested Motion:

- Motion to allow the City Manager to grant this permanent easement.

Attachment(s):

- Location Map
- Resolution
- Survey

Area Map - Easement area / existing loading dock highlighted in Yellow



RESOLUTION NO. 21- _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A PERMANENT EASEMENT ON CITY RIGHT OF WAY AT 99 RIVERSIDE DRIVE TO RIVERSIDE LLC

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 right of way adjacent to 99 Riverside Drive, identified as PIN# 9638972818 and

WHEREAS, 99 Riverside LLC has requested a Permanent Easement containing approximately 312 square feet over a portion of said property on Riverside Drive and has agreed to pay $5,000.00 as fair market consideration for said easement; and

WHEREAS, the Public Works Director has determined that the easement will not substantially impair or hinder the use of the right of way for passage;

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 easement over a portion of property located at 99 Riverside Drive to 99 Riverside LLC 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 22nd day of June, 2021.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney