THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: August 24, 2021

Subject: Request for a Sewer Easement across City Property at 63 Liberty Street

Staff Resources: Nikki Reid, Economic & Community Development Interim Program Director
Ellen McKinnon, Real Estate Coordinator

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Dandrige Giltz, the owner of the property at 63 Liberty Street.

Background:

- A local property owner has approached the Real Estate Office requesting an easement on City property in order to connect a new single family home to the only MSD sewer line in the vicinity.
- The owner intends to use the easement to connect a new home to be built on the adjacent vacant lot.
- He provided a map that showed that the connection is at the rear property line and the easement would consist of 108 square feet.
- This map is provided.
- There is no other viable sewer connection available.
- The map was shared with Al Kopf of the Parks and Recreation Department.
- The easement is in an area of Oakley Park that is not well used and it will not limit the use of the Park by local residents.
- The owner of the parcel will compensate the City fair market value for the easement.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- The City is receiving compensation for the easement.
- Support the development of a single family house for a family.

Con(s):

- There will be temporary disruption on City property during construction.

Fiscal Impact:

- City is receiving unbudgeted revenue for the easement in the amount of $ 907.20

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to serve the property located at 63 Liberty Street.

Attachment(s)

- Resolution
- Maps showing the location of the project General Area Map, Detailed Easement Map

RESOLUTION NO. 21-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY AT 63 LIBERTY STREET 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 the Murphy Oakley Park located near Fairview Road and Liberty , identified as PIN # 9657-58-1121 (the “Property”); and

WHEREAS, the property owner of an adjacent parcel has requested an easement through the park property of 108 square feet whose fair market value has been determined to be $907.20, and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City’s Parks and Recreation Department was consulted and they have no objections to the connection based upon its location, minimal impact to the Property, and because the easement will not impact the City's ability to access Murphy-Oakley Park;

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 close to Liberty and Fairview Road. 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 24th day of August, 2021.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney