THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: July 27, 2021

Subject: Permanently close a portion of unopened right-of-way located at 155 Thompson Street

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

Action Requested: Adoption of a resolution to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

Background:
- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- The City is the sponsor of the proposed right-of-way closure near 155 Thompson Street and is exchanging the closed right-of-way with the property owner, who is providing an easement to construct a section of the Swannanoa Greenway.
- This closure would not impede any future vehicular transportation connections nor does it conflict with any utility access.
- Signs were placed at two locations near the right-of-way announcing the public hearing.
- The City Council accepted the greenway easement from an adjacent property owner near this location at the June 8, 2021, meeting.

Council Goal(s):
- A Well-Planned and Livable Community

Committee(s):
- None

Pro(s):
- The proposed right-of-way closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

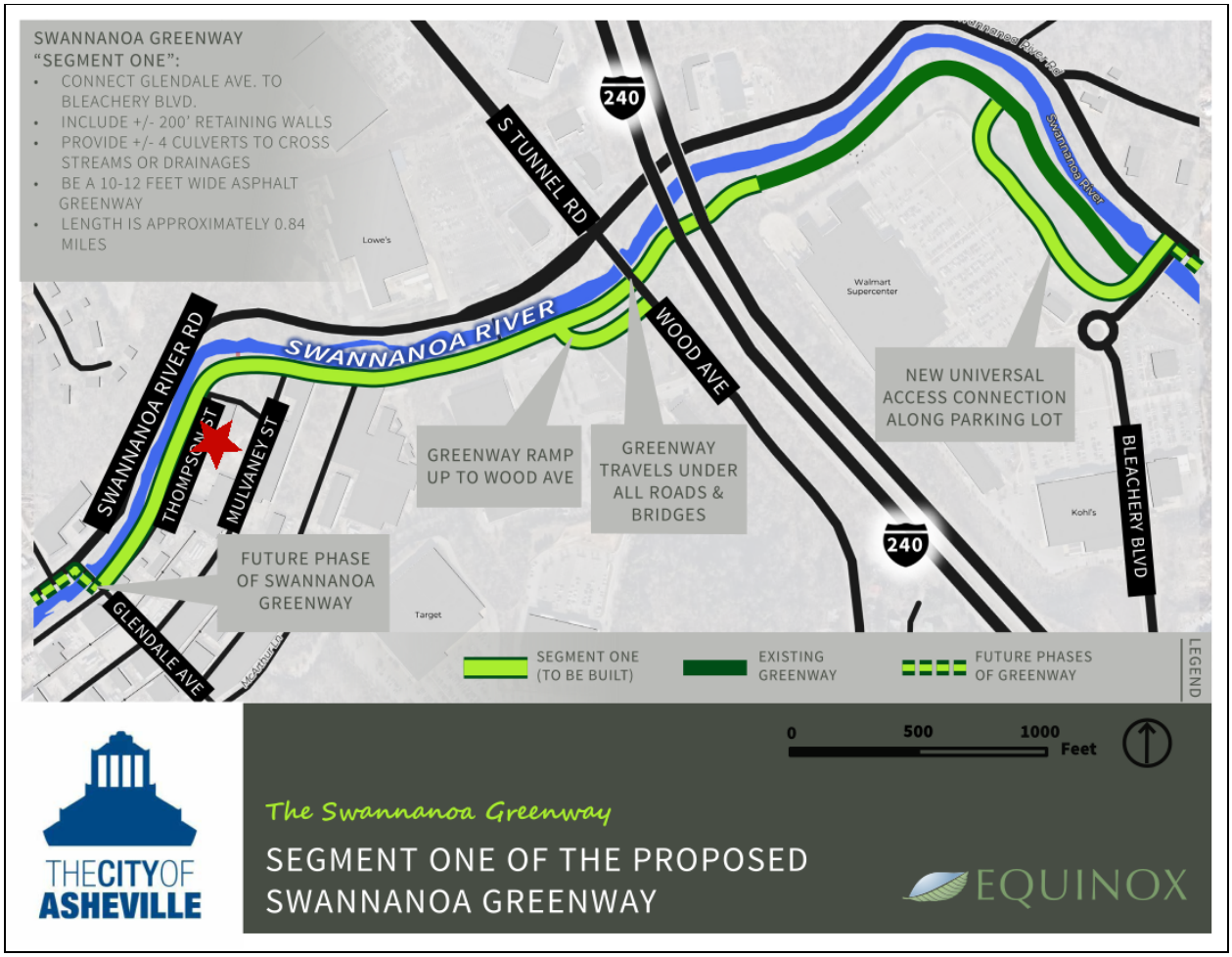
Con(s):
- None

Fiscal Impact:
- There will be no fiscal impact related to this closure.

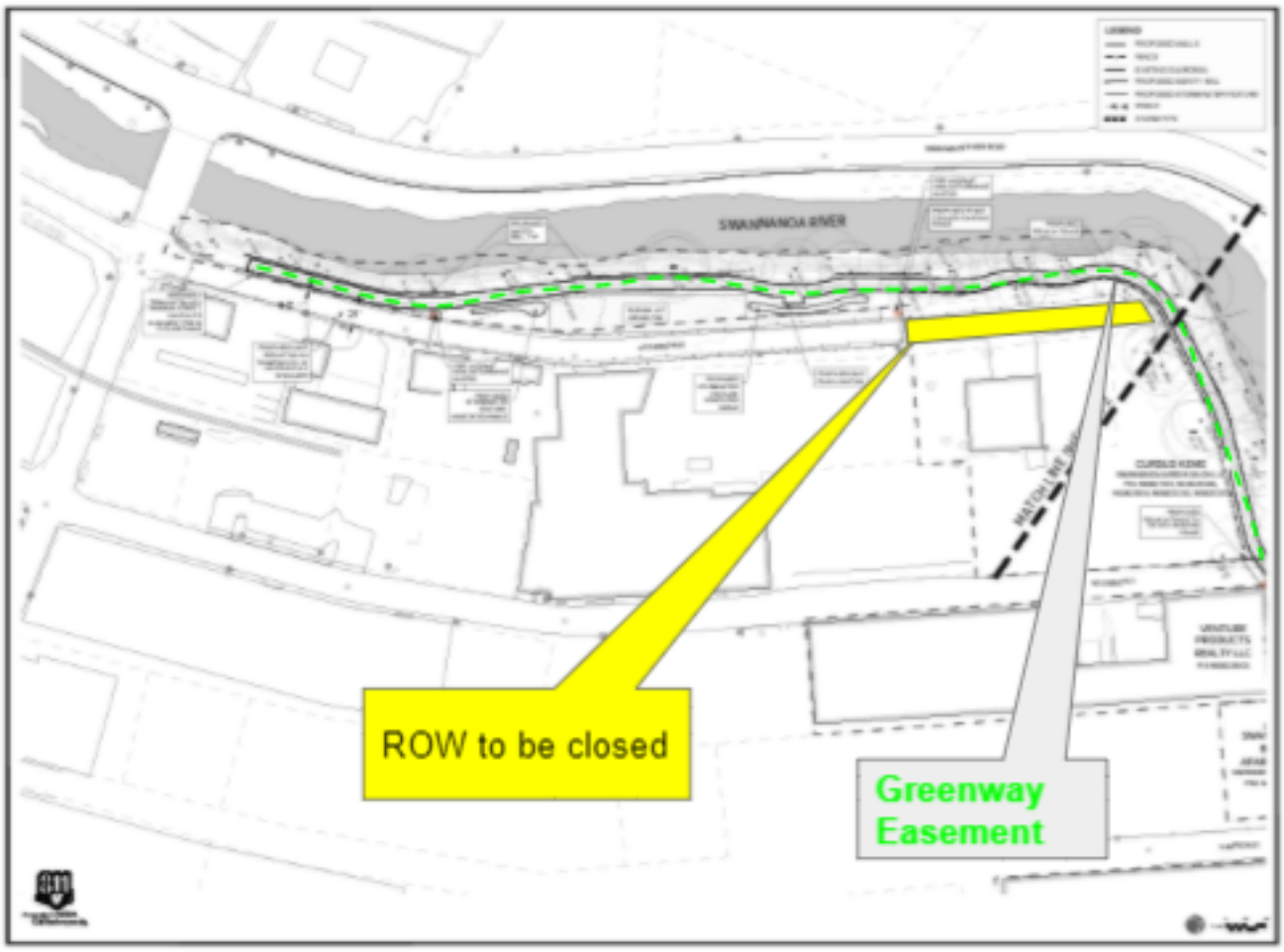
Suggested Motion:
- Motion to adopt a resolution to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

Attachment(s):
- Location Map
- Site Plan
- Resolution

155 Thompson Street
ROW Closure
Area Map



155 Thompson Street
ROW Closure
Site Plan



RESOLUTION NO. 21-___

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY LOCATED AT 155 THOMPSON STREET

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, said right-of-way is not under the control of the North Carolina Department of Transportation; and

WHEREAS, City Council on the 8th day of June, 2021, adopted a Resolution of Intent to permanently close a portion of unopened right-of-way located at 155 Thompson Street, and ordered a public hearing on the question of the closing for the 27th day of July, 2021, at its regular meeting;

WHEREAS, the Resolution of Intent was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four consecutive weeks prior to said public; and

WHEREAS, a copy of said Resolution of Intent was prominently posted at two locations along the unopened right-of-way located at 155 Thompson Street; and

WHEREAS, the City Council held a public hearing on the closure on July 27, 2021, and following the hearing, it appears to the satisfaction of the Council that closing the right of way is not contrary to the public interest and would not deprive any individual owning property in the vicinity in which said closure is located of reasonable means of ingress and egress to their properties;

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

The City Council hereby permanently closes a portion of the unopened right-of-way located at 155 Thompson Street, described as:

Permanent closure of the end of Thompson Street that was temporarily closed by Resolution 80-210 recorded in Deed Book 1259 page 180 (11-14-1980).

That portion of Thompson Street lying within the City of Asheville temporary closing as shown in Resolution No. 80-210 recorded in Deed Book 1259 page 180 (11-14-1980) which fronts Lots 15 through 19 as shown on a plat of Koon Industrial Development recorded in Plat Book 10, page 47, Buncombe County Registry, and also being the Northwesternmost 267.37 feet thereof and more particularly described as beginning at a point in the eastern margin of Thompson Street and the southwest corner of said Lot 15; thence with the fronts of Lots 15 through 19 North 22°16’37” East 267.37 feet to a point in the northern margin of Lot 19; thence across the end of Thompson Street South 81°59’37” West 32.45 feet; thence South 36°59’37” West 41.56 feet to the western margin of Thompson Street; thence with the western margin of Thompson Street South 21°58’37” West 210.81 feet; thence leaving said margin and across Thompson Street South 67°43’23” East 37.48 feet to the point of beginning.

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 27th day of July, 2021.

_____	_____
City Clerk	Mayor

Approved as to form:

_____

City Attorney