THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: June 8, 2021

Subject: Intent to 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 set a public hearing for July 27, 2021, 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.
- This closure will be an exchange of property for a greenway easement for the Swannanoa River Greenway through the property owners' land.
- Signs will be placed at two locations along the right-of-way announcing the public hearing and potential closure.

Council Goal(s):

- A Well-planned and Livable Community

Committee(s):

- None

Pro(s):

- The proposed ROW closure in exchange for a greenway easement is mutually beneficial for the City and the property owner.

Con(s):

- If the ROW closure is not approved, the City will not receive a greenway easement from the property owner in exchange, which would jeopardize the future construction of the Swannanoa Greenway in this location.

Fiscal Impact:

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

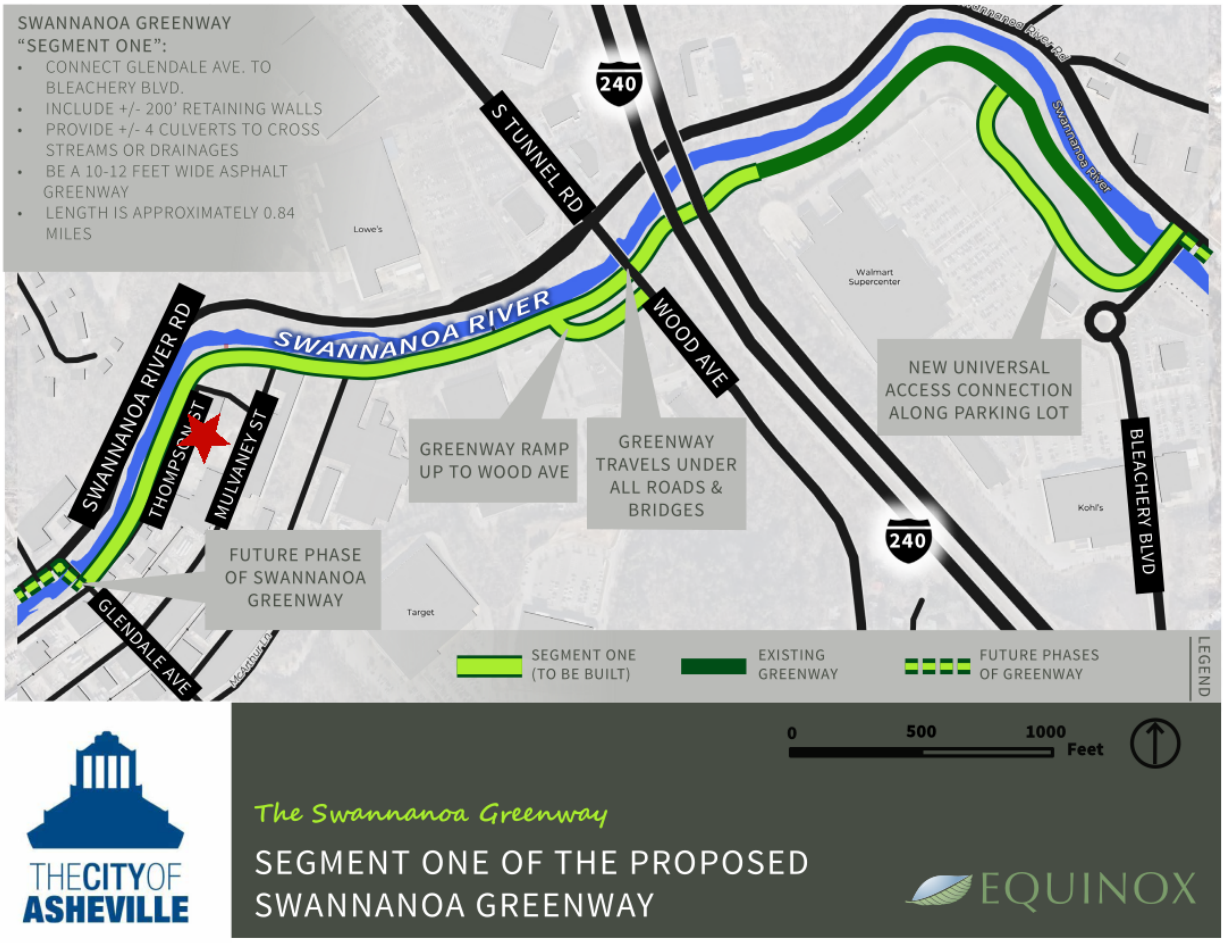
Suggested Motion:

- Adoption of a resolution to set a public hearing for July 27, 2021, to permanently close a portion of unopened right-of-way located at 155 Thompson Street.

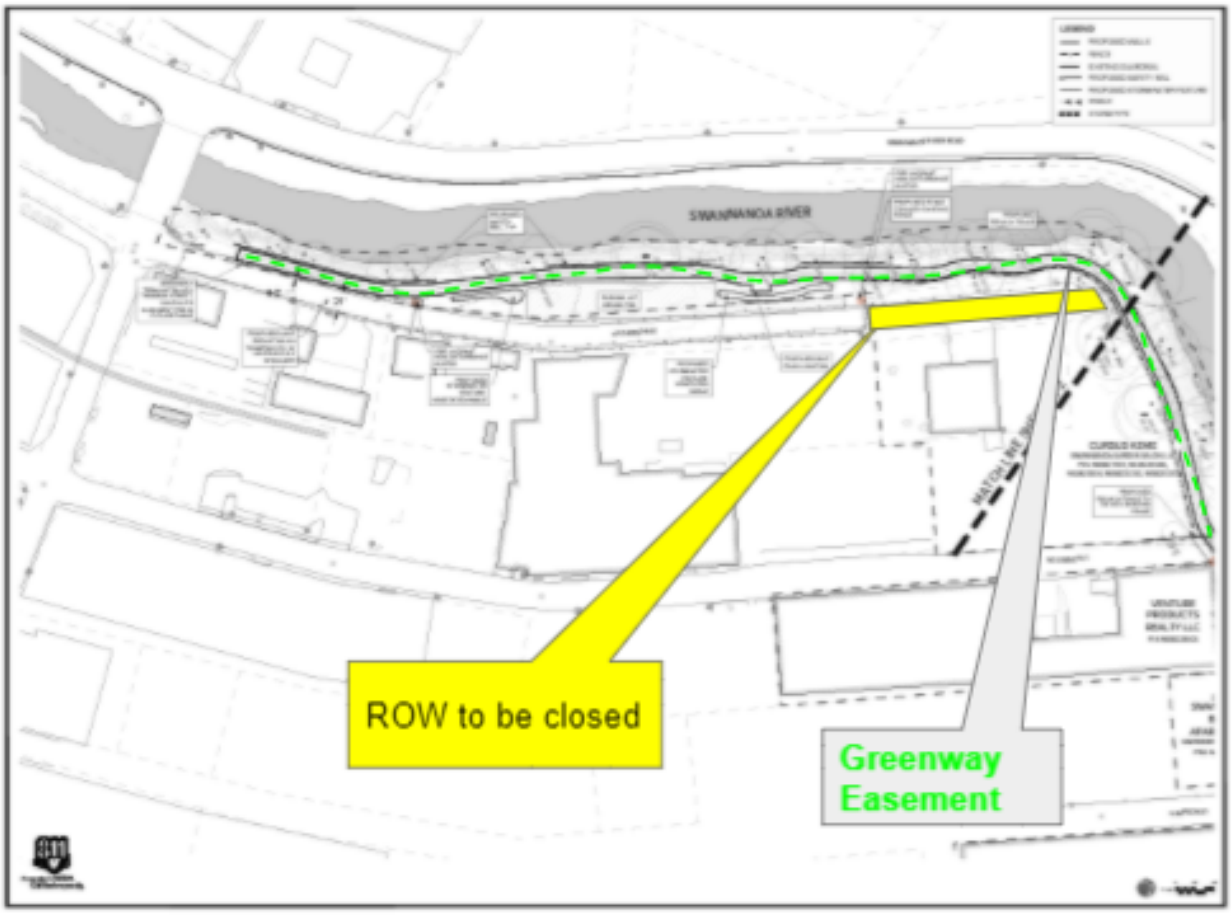
Attachment(s):

- Location Map
- Site Plan
- Resolution

155 Thompson Street
ROW Closure
Area Map



155 Thompson Street
ROW Closure
Site Plan



RESOLUTION NO. 21-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY LOCATED AT 155 THOMPSON STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JULY 27, 2021

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, the City of Asheville is hereby declaring its intent to permanently close a portion of unopened right of way located at 155 Thompson Street; and

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

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

1. The City Council hereby declares its intent to permanently close a portion 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.

2. A public hearing on the question of permanently closing a right-of-way known as 155 Thompson Street is hereby called for on Tuesday, July 27, 2021, at the regular meeting of City Council beginning at 5:00 pm., in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina.

3. This resolution shall be published in a newspaper of general circulation in Buncombe County, North Carolina, once per week for four successive weeks prior to the aforesaid public hearing on July 27, 2021.

4. The notice of closing and the public hearing herein ordered (copy of this resolution being sufficient for the purpose of said notice), shall be prominently posted in at least two places along a portion of unopened right-of-way located at 155 Thompson Street. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting

this alley, not joining in the petition to close, as shown on the Buncombe County tax maps. The persons affecting the said posting and mailing shall file an affidavit thereof with the City Clerk prior to the public hearing scheduled herein.

Read, approved and adopted this 8th day of June 2021.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney