THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: February 9, 2021

Subject: Resolution of intent to permanently close an unopened right-of-way known as Trade Street and to schedule a public hearing on such closure for March 9, 2021.

Staff Resource(s): Greg Shuler, Public Works Director
Chad Bandy, Streets Division Manager

Action Requested: Adoption of a resolution to set a public hearing for March 9, 2021, for the closure of an unopened right-of-way known as Trade Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Meinch Construction, Inc. has petitioned to close this right-of-way. They are the owners of 99999 Trade St, PIN # 9638-98-2756. Joining this petition are Butler and Celeste Wiltse. They are the owners of 28 Trade St., PIN # 9638-98-3860.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.
- This closure allows for the development of 99999 Trade St by providing more room for construction by adjusting the property lines.
- The right-of-way is needed to provide the required screening in the back of the property for 4 residential units that will front on Roberts Street.
- This potential closing was initiated on December 8, 2020; however, due to a discrepancy in the property description, this potential closing must start over again.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: Supported closing the right-of-way by unanimous vote.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- Meets Council's goals to promote sustainable high density infill growth that makes efficient use of existing resources.

Con(s):

- None.

Fiscal Impact:

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

Suggested Motion:

- Motion to adopt resolution of intent to set a public hearing on March 9, 2021, to close an unopened right-of-way known as Trade Street.

Attachment(s)

- Right of Way Closure Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
TRADE ST - W HAYWOOD ST

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Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Blue Ridge Parkway
- NC Interstate Highways
- Streets
- Proposed Easement
- Proposed Closure Area
- Parcels

2019 Orthoimagery



RESOLUTION NO. 21-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR MARCH 9, 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 an unopened of right of way known as Trade Street; and

WHEREAS, said right-of-way is not under the control of the N.C. Dept. 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 of right-of-way known as Trade Street, described as: 8,458.89 sq. ft. of unopened right-of-way that is situated between PIN # 9638-98-2756 and PIN # 9638-98-3860. This right-of-way extends from the southern portion of Trade St. in a southeastern direction and ends at a line that extends from the southeastern property corner of the Meinch property to the southwestern corner of the Butler-Wilste property.

2. A public hearing on the question of permanently closing the right-of-way known as Trade Street is hereby called for on Tuesday, March 9, 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 March 9, 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 an unopened right-of-way-of-way known as Trade 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 the 9th day of February, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney