THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: March 9, 2021

Subject: Resolution to permanently close an unopened right-of-way known as Trade Street.

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

Action Requested: Adoption of a resolution to permanently close 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.
- A resolution to set this public hearing was adopted on February 9, 2021, and signs were placed at two locations along Trade Street.

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 noted.

Fiscal Impact:

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

Suggested Motion:

- Motion to adopt a resolution 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 TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS TRADE 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 right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close an unopened right-of-way know as Trade Street; and

WHEREAS, City Council on the 9th day of February, 2021, adopted a Resolution of Intent to permanently close an unopened right-of-way known as Trade Street; and ordering a public hearing on the question of the closing for the 9th day of March, 2021, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

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 known as Trade Street; and

WHEREAS, the City Council held a public hearing on the closure on March 9, 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 right of way known as Velvet St, 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.

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 23rd day of March, 2021 .

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City Clerk Mayor

Approved as to form:

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City Attorney