THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 26, 2021

Subject: Intent to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

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 February 23, 2021, to permanently close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Spano and Associates Asheville, LLC has petitioned for this closure and they own the property associated with the Edgewood Road South Subdivision project (19-08084PZ) that was approved with conditions by the Technical Review Committee on March 2, 2019.
- The unopened right-of-way formerly connected on the southern side of the unopened portion of Bellevue Road and presently does not connect to any other right-of-way.
- This closure would not impede any future transportation connections nor does it conflict with any utility access.

Council Goal(s):

- Well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 10, 2020 - approved unanimously.

Pro(s):

- Promotes 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 a resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting east of Bellevue Road and west of Edgewood Road.

Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
BELLEVUE RD

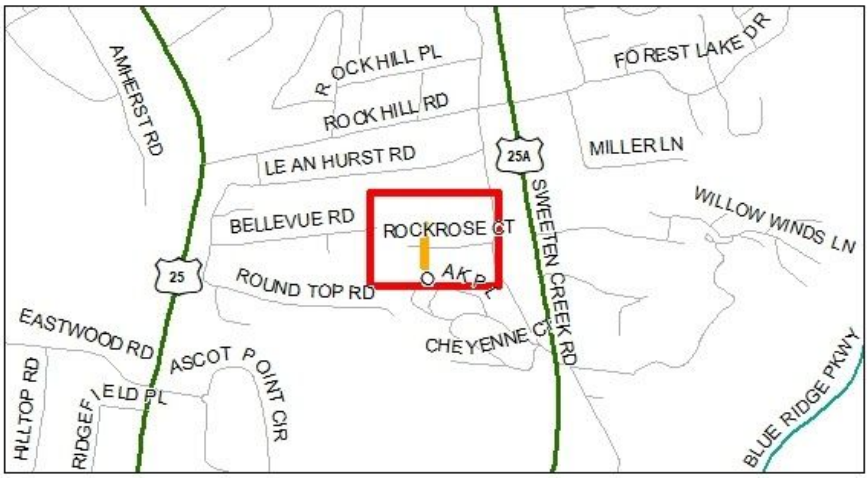
N



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 A PORTION OF UNOPENED RIGHT-OF-WAY EAST OF BELLEVUE ROAD AND WEST OF EDGEWOOD ROAD AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 23, 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 connecting east of Bellevue Road and west of Edgewood Road; 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 connecting east of Bellevue Road and west of Edgewood Road, described as:

   A parcel of land (PIN 9656-27-3146 & PIN 9656-27-7148, DB 14E/PG 1548, DB 1122/PG 527, & PB 4/PG 38) located in Buncombe County, North Carolina in the Asheville Township, and being more particularly described as follows:Parcel PIN 9656-27-3146 & PIN 9656-27-7148 Commence at the NGS concrete monument “Buena Vista” PID AA5569 (N:665398.52 E:950083.26); thence North 53°22'35" East, 2672.04 feet to a five-eighths inch rebar found (N:666992.19 E:952227.30) at a common property corner of the parcels described in Deed Book 1122, Page 527, Deed Book 1399, Page 698, and Deed Book 1799, Page 333 of the Buncombe County Public Registry, and said point being the point of beginning of the parcel herein described; thence from said POINT OF BEGINNING with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 333 the following two (2) courses and distances: (1) North 02°39'07" East, 235.76 feet to a one-half inch rebar set; and (2) North 35°21'59" East, 102.96 feet to a five-eighths inch rebar found at a common property corner of said parcels and at the terminus of the southern right-of-way line of the unopened portion of Bellevue Road shown in Plat Book 21, Page 69 of the Buncombe County Public Registry; thence leaving said common property line, and with the end of said road, North 35°11'30" East, 29.55 feet to a one-half inch rebar set at a common property corner of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 of the Buncombe County Public Registry; thence leaving said end of the road, and with the common property line of said parcels, North 86°12'26" East, 107.73 feet to a point at the southwestern property corner of the parcel described in Deed Book 2001, Page 310 of the Buncombe County Public Registry; thence with the southern property line of said parcel the following three (3) courses and distances: (1) North 86°12'26" East, 46.05 feet to a point at the terminus of the western line of an unopened alley shown in Plat Book 4, Page 38 of the Buncombe County Public Registry; (2) North 86°12'26" East, 25.17 feet to a point at the terminus of the eastern line of said unopened alley; and (3) North 86°12'26" East, 9.38 feet to a point at a common property corner of the parcels described in Deed Book 2001, Page 310 and Deed Book 1799, Page 337; thence leaving said southern property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1799, Page 337 the following two (2) courses and distances: (1) North 86°12'26" East, 149.06 feet to a one and one-quarter inch open top iron pin

found; and (2) North 81°11'46" East, 176.98 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 5172, Page 781 of the Buncombe County Public Registry; thence leaving said common property line, and with the common property lines of the parcels described in Deed Book 1122, Page 527 and Deed Book 5172, Page 781 the following two (2) courses and distances: (1) South 00°12'54" West, 140.28 feet to an angle iron found; and (2) North 78°23'54" East, 197.82 feet to a five-eighths inch rebar found on the western right-of-way line of Edgewood Road South; thence leaving said common property lines, and with said right-of-way line, South 01°06'16" West, 129.13 feet to a three-quarter inch open top iron pin found at the northeastern property corner of the parcel described in Deed Book 5011, Page 905 of the Buncombe County Public Registry; thence leaving said right-of-way line, and with the common property lines of said parcel and the parcel described in Deed Book 1122, Page 527 the following two (2) courses and distances: (1) South 79°29'21" West, 195.44 feet to a one-half inch open top iron pin found; and (2) South 00°47'01" West, 64.89 feet to an angle iron found at a common property corner of said parcels and the parcel described in Deed Book 4013, Page 828 of the Buncombe County Public Registry; thence leaving said common property lines, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 4013, Page 828, South 04°00'14" West, 64.69 feet to a one-half inch rebar set at a common property corner of said parcels and the parcel described in Deed Book 1413, Page 265 of the Buncombe County Public Registry; thence with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1413, Page 265 the following three (3) courses and distances: (1) North 89°50'25" West, 344.49 feet to a point at the terminus of the eastern line of the unopened alley shown in Plat Book 4, Page 38; (2) North 89°50'25" West, 25.02 feet to a point at the terminus of the western line of said unopened alley; and (3) North 89°50'25" West, 97.55 feet to a point at a common property corner of the parcels described in Deed Book 1413, Page 265 and Deed Book 1399, Page 698; thence leaving said common property line, and with the common property line of the parcels described in Deed Book 1122, Page 527 and Deed Book 1399, Page 698, North 89°50'25" West, 125.21 feet to the point of beginning as shown on a survey by Jason N. Gasperson, PLS #L-5267 of McGill Associates, recorded in Plat Book XXX, Page XXX, Buncombe County Public Registry containing 5.364 Acres more or less.The BASIS OF BEARINGS for this description is North Carolina state plane grid North

2. A public hearing on the question of permanently closing a right-of-way known as Bellevue Road Is hereby called for on Tuesday, February 23, 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 February 23, 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 connecting east Bellevue Road and west of Edgewood Road.. 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 26th day of January, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney