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 to Biltmore Avenue, directly south of White Fawn Drive.

Staff Resource(s): Ken Putnam, PE, Transportation Department Director
Jessica Morriss, AICP, Transportation 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 to Biltmore Avenue, directly south of White Fawn Drive.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys.
- Milan Asheville, LLC has petitioned for this closure and they own the property at 324 Biltmore Avenue (PIN # 9648-46-4336).
- This closure request is associated with the Residence Inn (FKA Extended Stay Hotel at Hospital Center) (18-05806PZ) that was approved by City Council on March 12, 2019 under ordinance 4733 and approved with conditions by the Technical Review Committee on January 6, 2020.
- This closure will 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 resolution of intent to set a public hearing on February 23, 2021, to close a portion of unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive.

Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
BILTMORE AVE

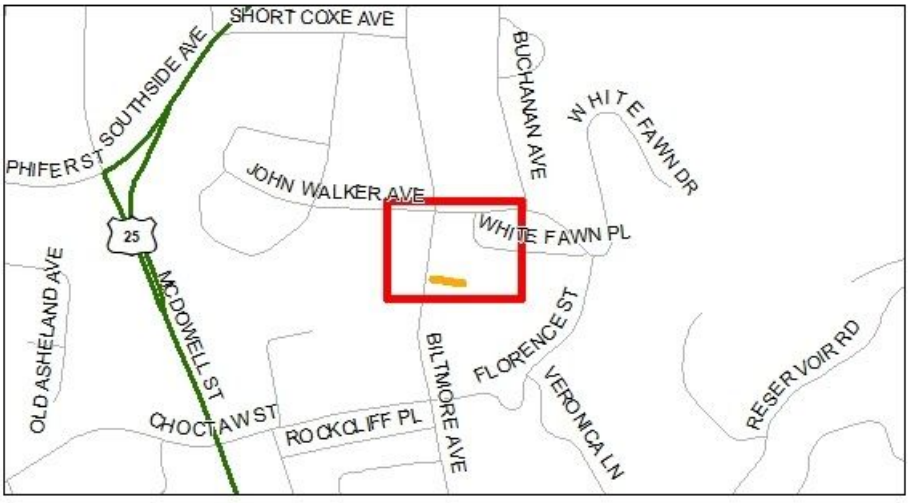
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Legend

- 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 A PORTION OF UNOPENED RIGHT-OF-WAY CONNECTING TO BILTMORE AVENUE, DIRECTLY SOUTH OF WHITE FAWN DRIVE, AND TO SET A PUBLIC HEARING ON SUCH CLOSURE ON 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 to Biltmore Avenue, directly south of White Fawn Drive; 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 unopened right-of-way connecting to Biltmore Avenue, directly south of White Fawn Drive, described as:

   BEGINNING on a rebar with Blue Ridge Surveying Cap found 0.1 feet below the adjacent grade, the southwest corner of property owned now or formerly by Milan Asheville, LLC (Deed Book 5502, Page 430), said rebar having N.C. Grid NAD 83 (2011) coordinates of N 686249.67 feet, E 944344.99 feet and lying S 06°12'49" E 1658.91 feet (grid distance), 1659.25 feet (ground distance) from NGS Monument "Endoscopy" and running thence S 07°59'52" W 8.00 feet to a 3/8" rebar found flush with the adjacent grade, a western corner of property owned now or formerly by The County of Buncombe (Deed Book 3871, Page 266); thence running with the line of The County of Buncombe S 81°49'21" E 134.65 feet to a 3/8" rebar found 0.1 feet above the adjacent grade; thence continuing with The County of Buncombe N 09°31'41" E 7.96 feet to a rebar with Blue Ridge Surveying Cap found flush with the adjacent grade, the southeast corner of Milan Asheville, LLC (Deed Book 5502, Page 430), lying S 09°10'13" W 53.82 feet from a rebar with Blue Ridge Surveying Cap found 0.3 feet above the adjacent grade; thence with the southern line of Milan Asheville, LLC N 81°48'35" W 134.86 feet to the point and place of BEGINNING, containing 0.02± acres, 1075± sq. ft., and being shown on an unrecorded survey by Phillip B. White, PLS of Ed Holmes and Associates, PA dated January 8, 2021 titled "Survey of Unnamed Alley to be Abandoned for Milan Asheville, LLC and The County of Buncombe", and having job number 19319, also being the western portion of the 8 foot wide alley shown on Plat Book 20, Page 115.

2. A public hearing on the question of permanently closing a right-of-way known as Biltmore Avenue 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 to Biltmore Avenue, directly south of White Fawn Drive. 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