THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 12, 2021

Subject: Resolution to permanently close a portion of right-of-way known as Velvet Street.

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

Action Requested: Adoption of a resolution to permanently close a portion of right-of-way known as Velvet St

Background:
- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Fifty-Five South Market, LLC has petitioned for this closure. They are the owners of the property known as 55 S. Market St., PIN# 9648-59-0637.
- The right-of-way is a former City of Asheville street.
- This closure will not impede any future use of this right-of-way.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. This area will be used as the means of egress from the building to the public sidewalk as required by fire code.
- This closure allows for the life safety stairs to the public way to remain as constructed.
- A resolution to set this public hearing was adopted on December 8, 2020, and signs were placed at two locations along Velvet Street.

Council Goal(s):
- A well-planned and livable community

Committee(s):
- Multimodal Transportation Committee - October 28, 2020: Recommended closing the right-of-way by unanimous vote.

Pro(s):
- The closure would allow for more efficient use of the existing adjacent property.
- 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 permanently closing a portion of right-of-way known as Velvet Street.

Attachment(s)
- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
BEAUMONT 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 Closure Area
- Parcels

2019 Orthoimagery



RESOLUTION NO. 21-_____

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF0WAY KNOWN AS VELVET 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 a portion of right-of-way known as Velvet Street; and

WHEREAS, City Council on the 8th day of December, 2020, adopted a Resolution of Intent to permanently close a portion of right-of-way known as Velvet StREET, and ordering a public hearing on the question of the closing for the 12th day of January, 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 right-of-way known as Velvet Street; and

WHEREAS, the City Council held a public hearing on the closure on January 12, 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: Beginning at a calculated point in the northwest margin right-of-way over Velvet Street and lying S 49°14'36" W, a distance of 162.81' from a #5 rebar with "two point" cap with North Carolina grid coordinates of northing: 689,674.24' easting: 945,077.86' NAD '83 (2001) being shown on the eastern line of Tract B as recorded in Plat Book 200 page 104; thence with a curve to the left with a radius of 96.26', a chord bearing of S 33°37'07" W, and a chord length of 51.85' to a calculated point; thence S 89°17'11" W, a distance of 8.65' to a calculated point; thence with a curve to the left with a radius of 161.55', a chord bearing of S 63°28'03" W, and a chord length of 34.20' to a calculated point; thence N 49°14'36" E, a distance of 89.71' to the point and place of beginning and containing 0.010 acres, 418 sq. ft.

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 26th day of January, 2021.

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City Clerk Mayor

Approved as to form:

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City Attorney