THE CITY OF ASHEVILLE

Staff Report

Council Meeting Date: December 8, 2020

Subject: 117 Onteora Boulevard Sidewalk Condemnation Authorization

Staff Resource(s): Eric Edgerton, Sr. Asst. City Attorney; Vinnie Sullivan, Capital Projects- Project Manager

Action Requested: Adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Background:

- The City's Capital Projects Department has a sidewalk installation project planned along Onteora Boulevard.
- The City has obtained all required easements needed to complete this sidewalk project except for one along the edge of real property located at 117 Onteora Boulevard.
- The property at 117 Onteora Boulevard was owned by Margetta Deese who passed away in 2016.
- The City has made repeated attempts to identify Ms. Deese's potential heirs or personal representatives regarding the needed easement, but has received no response.
- The easement needed at 117 Onteora Boulevard is immediately adjacent to the City's right of way and is entirely within an unbuildable setback.
- As such, the City's condemnation of the needed easement will only minimally impact the subject property's value.

Council Goal(s):

- Clean & Healthy Environment

Committee(s):

- None

Pro(s):

- Will facilitate the completion of a needed sidewalk construction project and safeguard the project schedule.

Con(s):

- Will result in the commencement of an eminent domain action against the owner.

Fiscal Impact:

- The expected value of the needed easement is less than $3,000 which is included in the project budget for the subject construction project.

Suggested Motion:

- Motion to adopt a resolution authorizing the City Attorney's Office to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Attachment(s)

- Resolution

RESOLUTION NO. 20-____

RESOLUTION AUTHORIZING THE CITY ATTORNEY'S OFFICE TO CONDEMN A SIDEWALK EASEMENT OVER REAL PROPERTY LOCATED AT 117 ONTEORA BOULEVARD.

WHEREAS, pursuant to N.C.G.S. § 40A-3, the City of Asheville has authority to obtain interests in real property through the exercise of eminent domain; and

WHEREAS, the City plans to construct a sidewalk along Onteora Boulevard; and

WHEREAS, the City's planned sidewalk construction project requires that it obtain a sidewalk easement across 117 Onteora Boulevard; and

WHEREAS, the most recent owner of 117 Onteora Boulevard, Margetta Deese, is deceased, and the City has been unable to make contact with Ms. Deese's heirs or representatives;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Attorney, on behalf of the City of Asheville, is hereby authorized to condemn a sidewalk easement over real property located at 117 Onteora Boulevard.

Read, approved, and adopted this 8th day of December 2020.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney