THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: September 22, 2020

Subject: Public hearing to permanently close a portion of an unopened right-of-way known as Gayle 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 an unopened right-of-way known as Gayle Street.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property known as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, if granted, the unopened right-of-way will become part of the above property.
- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - June 24, 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 resolution to permanently close a portion of an unopened right-of-way known as Gayle Street.

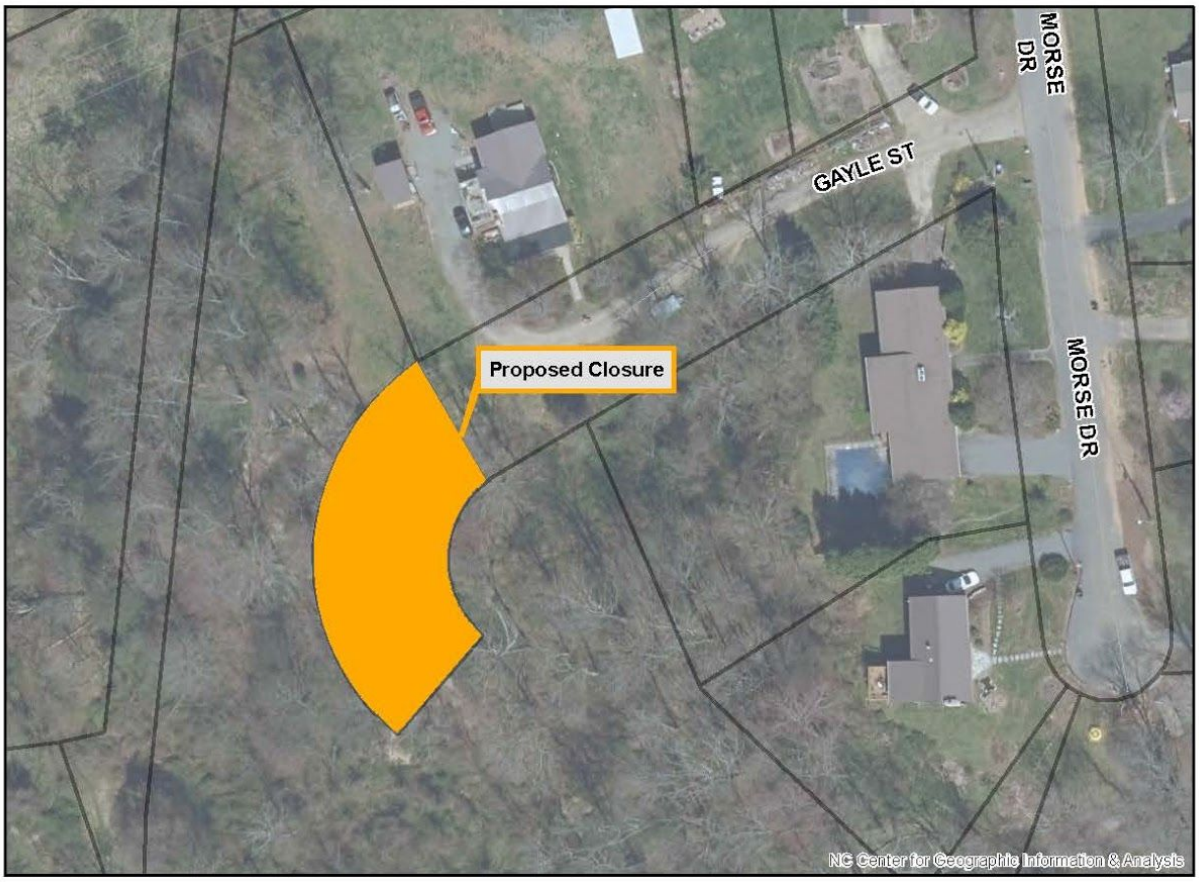
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
Gayle St

N



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
- Asheville Corporate Limits

2019 Orthoimagery



RESOLUTION NO. 20-_____

RESOLUTION TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE 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 unopened right-of-way known as Gayle Street; and

WHEREAS, City Council on the 25th day of August, 2020, adopted a Resolution of Intent to permanently close a portion of unopened right of way known as Gayle Street, and ordering a public hearing on the question of the closing for the 22nd day of September, 2020, 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 Gayle St; and

WHEREAS, the City Council held a public hearing on the closure on September 22, 2020, 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 an unopened right-of-way known as Gayle Street, described as:

Beginning at a #5 pin located in the northern most point of Lot 22, as described in Plat Book 32, Page 103, Buncombe County Registry; thence North 41°58'43" E 60 feet to a #4 pin; thence on a curve to the right with a radius of 47.71', with an arc length of 90.05' and chord length of 77.27", bearing N 06°18'56" E, delta angle 108°08'12" to a point; thence North 35°29'32" W 60.22' to a #4 pin; thence on a curve to the left with a radius of 107.52', with an arc length of 197.66' and chord length of 170.98', bearing S 04°35'09" W, delta angle 105°08'12" to the point of beginning. Being that .199 Acre tract described as "Area of R/W to be combined with PIN:9627-22-9286" shown on the survey entitled "Recombination Survey For: James S. Parris and Carson K. Dellinger", by WNC Surveying & Mapping, Job #200202 dated April 9, 2020.

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 22nd day of September, 2020 .

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City Clerk Mayor

Approved as to form:

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City Attorney