THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 8, 2020

Subject: Resolution of intent to permanently close a portion of right-of-way known as Velvet Street and to schedule a public hearing on such closure for January 12, 2021.

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

Action Requested: Adoption of a resolution to set a public hearing for January 12, 2021 to permanently close a portion of right-of-way known as Velvet Street.

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.

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 resolution of intent to set a public hearing on January 12, 2021, to close 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. 20-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY KNOWN AS VELVET STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR JANUARY 12, 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 right of way known as Velvet Street; 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 right-of-way known as Velvet Street, 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.

2. A public hearing on the question of permanently closing a right-of-way known as Velvet Street is hereby called for on Tuesday, January 12, 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 January 12, 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 right of way known as Velvet Street. 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 8th day of December 2020.

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City Clerk Mayor

Approved as to form:

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City Attorney