THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 14, 2020

Subject: Driveway Easement for Property Owner on Beverly Road

Staff Resource(s): Roderick Simmons Director of Parks & Recreation Al Kopf, Parks and Recreation Jannice Ashley, Senior Asst. City Attorney

Action Requested: Adoption of a resolution authorizing the City Manager to grant a driveway easement to a property owner on Beverly Road.

Background:

- The City was approached by an attorney representing a new property owner on Beverly Road in Asheville. It had been discovered that the driveway of a long existing residence encroached on land owned by the City of Asheville and the property owner requested an easement from the City.
- The driveway was extending onto the Ann Patton Joyce Park by approximately 194 square feet.
- The Real Estate Division consulted the Parks and Recreation Department to determine whether they would object to the granting of this easement.
- The Parks and Recreation Department indicated that the driveway was on the northern tip of the passive park and would not impact the usability of the park or its aesthetics.
- The new property owner (Andrew Lanteri) supplied an appraisal and a survey and has agreed to pay fair market value for the easement area.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- This action by the City will allow the sale of a single family residence to proceed.
- The City is receiving compensation based on fair market rates.

Con(s):

- The easement will require staff time to process and action at a city council meeting.

Fiscal Impact:

- The City is disposing of a small amount of land (194 SF) and will receive revenue in the amount of $1,202.80 plus the real estate transaction fee of $280.

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to grant this easement to a private property owner.

Attachment(s)

- Resolution
- Location Map
- Boundary Survey Map

RESOLUTION NO._____

RESOLUTION AUTHORIZING THE CITY OF ASHEVILLE TO GRANT A DRIVEWAY EASEMENT ON CITY OWNED PROPERTY TO ADJACENT PROPERTY OWNER ON BEVERLY ROAD

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-273 to convey land through an easement over real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City is the owner of property located off of Beverly Road in the City of Asheville, identified as PIN # 9668-06-4042-00000, known as Ann Patton Joyce Park; and

WHEREAS, Andrew Michael Lanteri, the new owner of the property located at 172 Beverly Road identified as PIN # 9658-96-9057-00000, which is adjacent to the City's above mentioned property, has requested that the City grant a easement of approximately 194 square feet on its property for a driveway that has long encroached on the City property; and

WHEREAS, Mr. Lanteri has agreed to pay fair market value of $1,202.80 and administrative costs for the 194 SF easement; and

WHEREAS, the City's Parks and Recreation Department has indicated that the existing driveway is located on the northern tip of the passive park and would not impact the usability of the park or its aesthetics and therefore, has no concern with the granting of this access easement;

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

The City Manager is hereby authorized to execute documents necessary to grant this easement. In addition, the City Manager is hereby authorized to execute any and all documents necessary to give effect to this resolution, subject to approval by the City Attorney, and compliance with applicable North Carolina law.

Read, approved and adopted this 14th day of April, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney