THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: December 8, 2020

Subject: Intent to permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street, and 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, for the closure of a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

Background:

- N.C. Gen. Stat. § 160A-299 grants cities the authority to permanently close streets and alleys.
- Youngblood and Sarah Haske have petitioned to close this right-of-way.
- They are the owners of 137 Houston Street, PIN #s 9639-90-3085 and 9639-90-3979.
- The Haskes have agreed to grant the City of Asheville an 11.5-foot easement from the new right-of-way line into the property.
- This easement will be for future sidewalk, water, and stormwater projects.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future. Current plan is to recombine the two properties. Future use would be to add an auxiliary dwelling unit; however, no plans prepared at this time.
- This closure will allow for the recombination of parcels while removing the excess unused portion of right of way from the parcels.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - October 28, 2020: unanimously supported the closure of the right-of- way with the condition of an 11.5’ easement remaining for future City of Asheville use.

Pro(s):

- The closure would allow for more efficient use of the existing adjacent properties.
- 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 permanently close a portion of right-of-way at the intersection of Courtland Avenue and Houston Street.

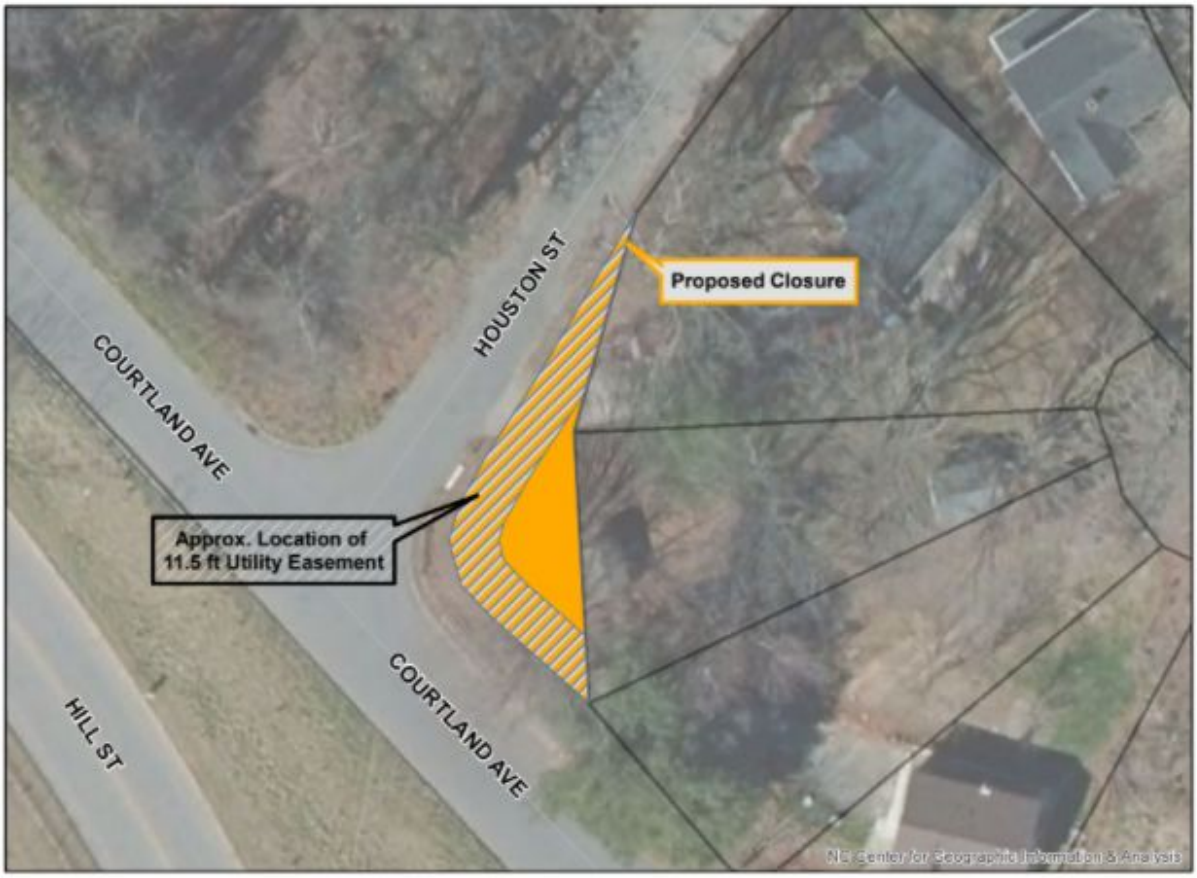
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
COURTLAND AVE - HOUSTON ST

N



Legend

- Local Interstate Highways
- Local US Highways
- Local NC Highway
- Local Highway Ramps
- Local Blue Ridge Parkway
- NC Interstate Highways
- Streets
- Proposed Easement
- Proposed Closure Area
- Parcels

2019 Orthoimagery



RESOLUTION NO. 20-

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF RIGHT-OF-WAY AT THE INTERSECTION OF COURTLAND AVENUE AND HOUSTON 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 right of ways; and

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close a portion right of way at the intersection of Courtland Avenue and Houston 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 at the intersection of Courtland Avenue and Houston Street described as follows:
beginning at a point on PIN # 9639-90-3085 and ending on the same property for a total of 275 sq. ft., and on PIN # 9639-90-3979 beginning at a point on Houston St. and continuing south and ending at a point on Courtland Ave. for a total of 1,299 sq. ft.

2. A public hearing on the question of permanently closing a portion of right-of-way at the intersection of Courtland Avenue and Houston Street is hereby called for January 12, 2021, at the regular meeting of the 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 the right-of-way at the intersection of Courtland Avenue and Houston 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 affected by 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.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney