THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: June 9, 2020

Subject: Acquisition of real property from the State of NC to the City of Asheville near Coxe Avenue and Federal Alley to facilitate the construction of improvements that will include widening the alley, adding sidewalks and creating an access point for a new mixed use development.

Staff Resource(s): Nikki Reid, Economic Development Program Director
Jessica Bernstein, Planning & Development

Action Requested: Authorize the City Manager to acquire property from the State of North Carolina to facilitate improvements in Federal Alley that will make the area more pedestrian friendly and to facilitate ingress and egress from a new mixed use development and; to accept funds from Tribute Investment & Development as reimbursement for the purchase price.

Background:

- Tribute Development wants to improve an existing unopened City right-of-way, known as Federal Alley, with sidewalks and vehicle access to benefit the future mixed use development at Asheland and Coxe. The City's Planning Department supports these right-of-way improvements since they will benefit public infrastructure and provide much needed cross-connections between Asheland and Coxe.
- However, the existing Federal Alley is narrow, and to accommodate the sidewalk, additional property (718.2 square feet of real property) was needed from the adjacent property owner - the State of NC (specifically, the area is used by NC State Minerals Lab). The State prefers to sell the property to the City of Asheville rather than the developer.
- Although the developer will construct the improvements, the improved alley will be owned and maintained by the City of Asheville's Streets Department.
- The value of the area in question has been determined by appraisal to be $49,225. The State has agreed to sell the property to the City of Asheville for that amount.
- Tribute has agreed to reimburse the City the purchase price and they will construct the improvements outlined above.
- The Board of Trustees acting on behalf of NCSU has authorized the State of NC to sell this property to the City of Asheville.
- The Council of State will vote on the sale this summer. They have accepted the City's initial Offer Letter containing these terms.

Council Goal(s):

- A More Livable Community

Committee(s):

- None

Pro(s):

- Supports the development of projects that increase pedestrian safety and accessibility in the downtown area of Asheville.
- City will acquire property and be reimbursed by Tribute for the cost of the purchase.

Con(s):

- None

Fiscal Impact:

- As noted earlier in the staff report, the City will be reimbursed for its purchase of the property. Since the transaction will not take place until next fiscal year, the budget for the purchase and the reimbursement will be included in the Fiscal Year 2020-21 Budget Ordinance that Council is scheduled to approve on June 23, 2020.

Suggested Motion:

- Move to adopt a (1) resolution to authorize the City Manager to acquire property along Federal Alley from the State of NC and (2) resolution to accept funds from Tribute to cover those costs.

Attachment(s):

- Resolution to Acquire Property
- Resolution to Accept Funds
- Map

RESOLUTION NO. 20-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACQUIRE 718.2 SQUARE FEET OF PROPERTY ALONG FEDERAL ALLEY FROM THE STATE OF NORTH CAROLINA

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, the City desires to acquire, and the State of North Carolina has agreed to sell, 718.2 square feet of land located off of Federal Alley (PIN # 9648-37-2978-00000) at the appraised value of $49,225;

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

The City Manager be and is hereby authorized to execute documents and acquire from the State of North Carolina the real property located off of Federal Alley (PIN # 9648-37-2978-00000), upon the approval of the City Attorney. 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 9th day of June, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney

RESOLUTION NO. 20-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A DONATION FROM TRIBUTE INVESTMENT AND DEVELOPMENT INC. FOR THE ACQUISITION OF PROPERTY ADJACENT TO FEDERAL ALLEY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property or personal property by gift, grant, bequest or any other lawful method; and

WHEREAS, at the request of the City, the State of North Carolina has agreed to sell 718.2 square feet of land located off of Federal Alley (PIN # 9648-37-2978-00000) to the City of Asheville at the appraised value of $49,225; and

WHEREAS, Tribute Investment and Development Inc. has agreed to donate $49,225 to reimburse the City for the cost of this property acquisition;

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

The City Manager be and is hereby authorized to execute documents and accept a donation from Tribute Investment and Development Inc. in the amount of $49,225. 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 9th day of June, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney