THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: February 11, 2020

Subject: Public Hearing to permanently close an unopened right-of-way known as Oak Street

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

Action Requested: Adoption of a resolution to permanently close an unopened right-of-way known as Oak Street.

Background:

- N. C. Gen. Stat. Sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Nettlewood Associates LLC (PIN # 9656-10-0957, 9656-10-0853, 9656-10-2829) has requested the closure. Nettlewood Associates LLC owns all adjoining parcels.
- This closure allows maximum land use potential for further development while complying with *Living Asheville - A Comprehensive Plan for Our Future*. The ultimate plan is a surgical center. The closure is being pursued prior to the sale of the property.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee - December 11, 2019 - Recommended closing the right-of-way by unanimous vote.

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 to permanently close an unopened right-of-way known as Oak Street.

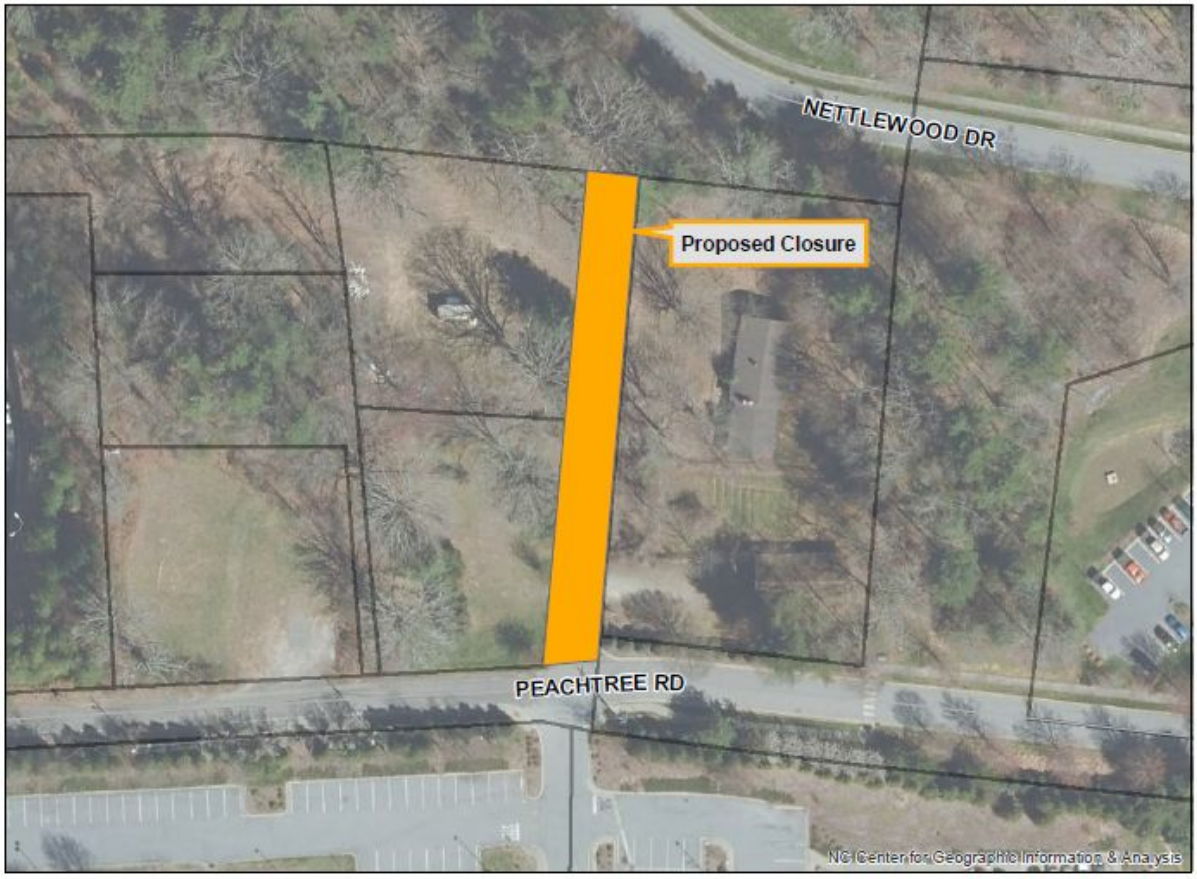
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
Oak 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

2019 Orthoimagery



RESOLUTION NO. 20-___

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK 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 an unopened right-of-way known as Oak Street; and

WHEREAS, City Council on the 14th day of January, 2020, adopted a Resolution of Intent to permanently close an unopened right-of-way known as Oak Street, and ordering a public hearing on the question of the closing for the 11th day of February 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 an unopened right of way known as Oak St; and

WHEREAS, the City Council held a public hearing on the closure on February 11, 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 an unopened right-of-way known as Oak Street, described as follows: Situated in the City of Asheville, County of Buncombe, and State of North Carolina: 8,474 SF of r/w, 30’ wide by 282.47’, beginning at Peachtree Rd in a northern manner and terminating south of Nettlewood Road.

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 11th day of February 2020.

_____ _____

City Clerk Mayor

Approved as to form:

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City Attorney