THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 14, 2020

Subject: Resolution of Intent to permanently close an unopened right-of-way between Midway Drive and Willis Way and calling for a public hearing on such closure for February 11, 2020.

Staff Resource(s): Greg Shuler, Public Works Director

Action Requested: Adoption of a resolution to set a public hearing for February 11, 2020, for the closure of an unopened right-of-way between Midway Drive and Willis Way

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Ted and Jessica Leaven has petitioned the closure and owns both adjacent properties, 65 Ramoth and Midway Dr, PIN #s 7649-48-1087 and 9646-48-2076.
- This closure allows maximum land use potential for further development complying with Living Asheville - A Comprehensive Plan for our Future.

Council Goal(s):

- A well-planned and livable community

Committee(s):

- Multimodal Transportation Committee -December 11, 2019 - Recommended closing the right-of-way

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 February 11, 2020, to close an unopened right-of-way between Midway Drive and Willis Way.

Attachment(s)

- Resolution
- Location Map

RESOLUTION NO. 20-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY BETWEEN MIDWAY DRIVE AND WILLIS WAY AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR FEBRUARY 11, 2020

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 between Midway Dr and Willis Way; 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 an unopened right of way between Midway Dr and Willis Way, described as follows:

   Situated in the City of Asheville, County of Buncombe, and State of North Carolina:

   Being known as the lands between Lots 1-A, 1 1⁄2 -A and 2-A of Plat Book 198, Page 164 recorded in the Buncombe County Register of Deeds further bounded and described as Follows:

   Beginning at a Rebar with Cap found along the southern margin of the right of way of Midway Drive at the northwest corner of lot 1 1⁄2 - A of the aforementioned plat, said beginning point being North 62015’27” West a distance of 152.92 feet from a magnetic nail set in the asphalt at the east corner of said lot 1 1⁄2 - A;

   Thence South 05038’34” West a distance of 103.41 feet with the western margin of lots 1-A and 1 1⁄2 - A of the aforementioned plat to a nail set in a cobble-lined ditch along the northern right of way of Willis Way;

   Thence along the northern margin of the right of way of Willis Way South 77041’55” West a distance of 10.51 feet to a Rebar with Cap found at the southeast corner of lot 2-A of the aforementioned plat;

   Thence with the eastern margin of said lot 2-A North 05038’34” East a distance of 110.70 feet to a Rebar with Cap set along the southern margin of the right of way of Midway Drive at the northeast corner of said lot 2-A;

   Thence along the southern margin of the right of way of Midway Drive South 62015’37” East a distance of 10.79 feet to the Point of Beginning, containing 1,070 square feet more or less based on a field survey performed September 9, 2019 by Robert Brady of Blackrock Surveying and

Land Design, P.C.

2. A public hearing on the question of permanently closing an unopened right-of-way between Midway Drive and Willis Way is hereby called for on February 11, 2020, 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 February 11, 2020.

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 unopened right-of-way between Midway Drive and Willis Way. 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 effecting 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 14th day of January, 2020.

_____ _____

City Clerk Mayor

Approved as to form:

_____

City Attorney

THE CITY OF ASHEVILLE

Right Of Way Closure
Ramoth Rd

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

