THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: January 14, 2020

Subject: Resolution of Intent to permanently close an unopened right-of-way known as Oak Street 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 known as Oak Street.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- Nettlewood Assoc LLC has petitioned the closure and owns three adjacent properties, 36,49, and 50 Peachtree Road, PIN #s 9656-10-0853, 9656-10-2829, and 9656-10-0957.
- 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 - October 30, 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 known as Oak Street.

Attachment(s)

- Resolution
- Location Map

RESOLUTION NO. 20-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE AN UNOPENED RIGHT-OF-WAY KNOWN AS OAK STREET 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 known as Oak St; 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 known as Oak St, 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.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Oak Street 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 an unopened right-of-way known as Oak 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 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:

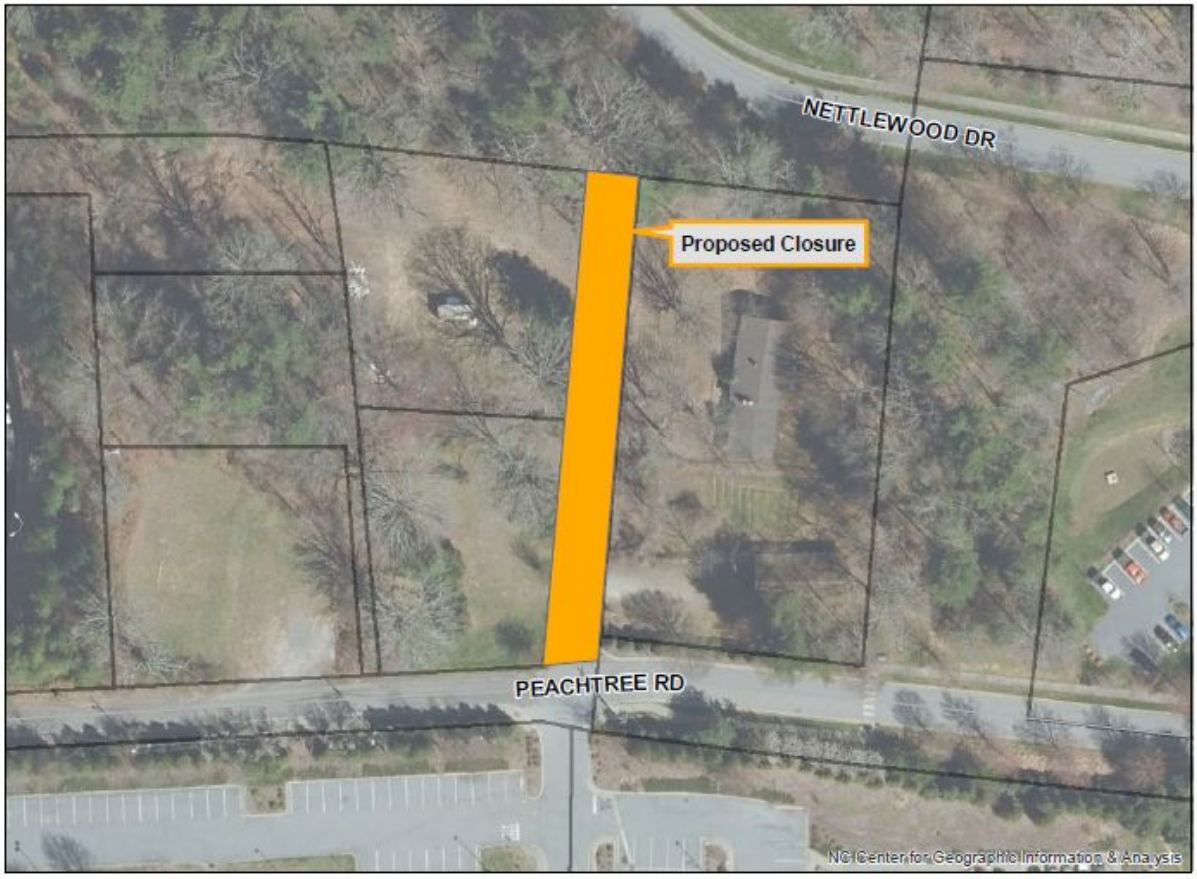
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City Attorney

THE CITY OF ASHEVILLE

Right Of Way Closure
Oak St

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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

