THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: August 25, 2020

Subject: Resolution of Intent to permanently close a portion of an unopened right-of-way known as Gayle Street

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 September 22, 2020, to permanently close a portion of unopened right-of-way known as Gayle Street.

Background:

- N. C. Gen. Stat. sec 160A-299 grants cities the authority to permanently close streets and alleys.
- James Sandusky Paris and Carson Kinlaw Delinger have petitioned for this closure. They are owners of the property listed as 99999 Morse Drive (Pin # 9627-22-9286).
- The unopened portion of right-of-way extends into the subject property.
- Upon closure, the unopened right of way will become part of the above property.
- The plan is for the property to be subdivided.
- The closure aides in meeting required setbacks.
- 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 - June 24, 2020 - Recommended closing the right-of-way by unanimous vote

Pro(s):

- The closure would allow for more efficient use of the existing adjacent property.
- 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 September 22, 2020, to close a portion of unopened right-of-way known as Gayle St.

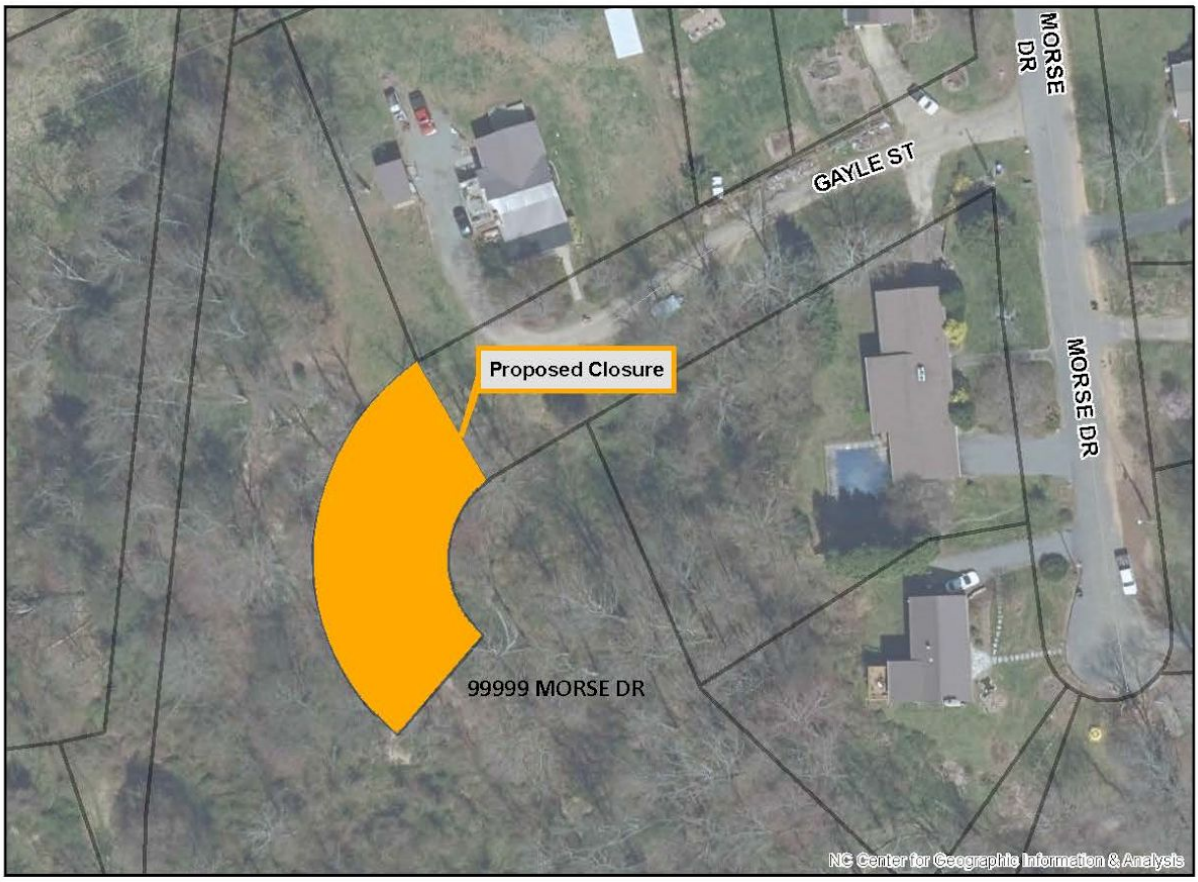
Attachment(s)

- Location Map
- Resolution

THE CITY OF ASHEVILLE

Right Of Way Closure
Gayle 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
- Asheville Corporate Limits

2019 Orthoimagery



RESOLUTION NO. 20-_____

RESOLUTION OF INTENT TO PERMANENTLY CLOSE A PORTION OF UNOPENED RIGHT-OF-WAY KNOWN AS GAYLE STREET AND TO SET A PUBLIC HEARING ON SUCH CLOSURE FOR SEPTEMBER 22, 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 of right of way of known as Gayle 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 an unopened right-of-way known as Gayle Street, described as:

Beginning at a #5 pin located in the northern most point of Lot 22, as described in Plat Book 32, Page 103, Buncombe County Registry; thence North 41°58'43" E 60 feet to a #4 pin; thence on a curve to the right with a radius of 47.71', with an arc length of 90.05' and chord length of 77.27", bearing N 06°18'56" E, delta angle 108°08'12" to a point; thence North 35°29'32" W 60.22' to a #4 pin; thence on a curve to the left with a radius of 107.52', with an arc length of 197.66' and chord length of 170.98', bearing S 04°35'09" W, delta angle 105°08'12" to the point of beginning. Being that .199 Acre tract described as "Area of R/W to be combined with PIN:9627-22-9286" shown on the survey entitled "Recombination Survey For: James S. Parris and Carson K. Dellinger", by WNC Surveying & Mapping, Job #200202 dated April 9, 2020.

2. A public hearing on the question of permanently closing an unopened right-of-way known as Gayle Street is hereby called for on Tuesday, September 22, 2020, at the regular meeting of 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 September 22, 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 Gayle 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 affecting 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 25th day of August, 2020.

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City Clerk Mayor

Approved as to form:

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City Attorney