THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: August 25, 2020

Subject: Request for a Sewer Easement across City Property at Old Haywood Road & Eastview Circle

Staff Resources: Nikki Reid, Economic Development Program Director

Action Requested: Adoption of a resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

Background:

- The City was approached by a local developer who is building a new phase of the Hawthorne at Haywood Apartments and needs a connection to the nearest Metropolitan Sewerage District (MSD)sewer line.
- The closest opportunity for sewer connection is a line on Eastview Circle.
- The N.C. Dept. of Transportation does not allow sewer within the roadway of Eastview Circle and no remaining right of way outside of pavement is accessible for the sewer installation.
- The only feasible connection left is across city property (9618-90-5267) at the intersection of Old Haywood and Eastview Circle.
- The Real Estate Division consulted other City departments to determine whether it would be in the City's best interest to allow this easement on City property.
- The Asheville Fire Department uses the property as a fire station and Asheville Police Department has a traffic division at this location.
- Representatives of both departments indicated that they had no objections to this sewer extension.
- The Streets Department was also consulted and they have no objection.
- City Council initially authorized this transaction on 5/26/2020, however original estimates of the easement were too low and had to be revised after a survey was done in the field. The original request of 2,000 square feet has now been increased to a total area of +/- 2736 square feet. The width of 20 feet is mandated by MSD regulation specifying minimum width.
- Fair Market Value has been determined to be $6,594 and the developer has agreed to pay this amount.

Council Goal(s):

- A Well Planned and Livable Community

Committee(s):

- None

Pro(s):

- Project will bring much needed rental units to the Asheville area.
- City is receiving compensation for the easement.

Con(s):

- There will be temporary disruption on City property during construction.

Fiscal Impact:

- City is receiving unbudgeted revenue for the easement in the amount of $6,594

Suggested Motion:

- Motion to approve the resolution authorizing the City Manager to grant a sewer easement to Hawthorne at Haywood Apartments, LLC

Attachment(s)

- Resolution
- Aerial Map
- Sewer Map

RESOLUTION NO. 20-____

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SEWER EASEMENT ON CITY OWNED PROPERTY ON OLD HAYWOOD ROAD AND EASTVIEW CIRCLE TO HAWTHORNE AT HAYWOOD APARTMENTS, LLC FOR CONSTRUCTION OF A SEWER SERVICE LINE

WHEREAS, the N.C. General Statutes, Sec. 160A-273 grants authority to cities to convey easements across city property or right-of-way; and

WHEREAS, the City of Asheville, hereinafter the City, is the owner of the Old Haywood/Eastview Circle property located near this intersection, identified as PIN # 9618-90-5267 (the “Property”); and

WHEREAS, the property owner has requested an easement of 2,736 square feet whose fair market value has been determined to be $6,594 and the property owner has agreed to pay that amount to the City of Asheville; and

WHEREAS, the City’s Police, Fire and Streets Department were consulted and have no objections to the connection because its location, minimal impact to the Property, and the easement will not impact the City's ability to access Old Haywood Road in the future;

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

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent sewer easement over a portion of property located on the Old Haywood Road & Eastview Circle to Hawthorne at Haywood Apartments, LLC. 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 25th day of August, 2020.

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City Clerk Mayor

Approved as to form:

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City Attorney