THE CITY OF ASHEVILLE

STAFF REPORT

Council Meeting Date: April 14, 2026

Subject: Intent to close a portion of unopened right-of-way on the western edge of Saint Dunstan's Road, between 159 Saint Dunstan's Road and 183 Saint Dunstan's Road, and to set a public hearing

Staff Resource(s): Ashley R. Haire, Transportation Director
Jessica Morriss, Transportation Assistant Director

Action Requested: Adoption of a resolution of intent to permanently close a portion of unopened right-of-way on the western edge of Saint Dunstan's Road, between 159 Saint Dunstan's Road and 183 Saint Dunstan's Road, and to set a public hearing for May 12, 2026.

Background:

- North Carolina General Statute § 160A-299 grants cities the authority to permanently close streets and alleys. The statute requires City Council to consider whether the closure of the right-of-way has a negative impact to the public interest, the property rights of any individuals, and whether the closure would impede access to parcels, utilities, and other public infrastructure.
- Susanne Godsey petitioned for this closure on behalf of herself and the property owners adjacent to the area requested to be closed on Saint Dunstan's.
- When Saint Dunstan's Road was originally platted in 1922, the roadway included a widened area in the northwest corner and a small triangular-shaped island referred to on the plat as a "parkway".
- The "parkway" island was constructed and a portion of it remains today; however, the roadway area shown in the original plat on the west side of the island does not appear to have ever been constructed and has never been maintained by the City as part of Saint Dunstan's Road.
- Instead, this excess unopened portion of the right-of-way area has served as driveway access to the parcels/homes there, and until recently the property owners were unaware that their properties did not access Saint Dunstan's Road.
- Therefore, this action is seeking to close the excess unopened right-of-way to enable the division of the area among the parcels seeking the closure, which will allow them to construct driveways to access Saint Dunstan's.
- Two utility easements are required to be retained within the area to be closed, including a 10-foot drainage easement for stormwater for a future swale on Saint Dunstan's and a 20-foot easement for water infrastructure.

Council Goal(s):

- Transportation and accessibility.

Committee(s):

- Technical Review Committee - March 16th - reviewed and forwarded for Council.
- Multimodal Transportation Commission (MMTC) - Due to the temporary suspension of boards and commissions, the MMTC did not review the request. However, MMTC review is not legally required and the applicant has requested to move forward.

Pro(s):

- The closure will allow the parcels to create proper driveways and legal access to the public right-of-way.

Con(s):
- None.

Fiscal Impact:
- There is no fiscal impact associated with the requested right-of-way closure.

Suggested Motion:
- Motion to adopt a resolution to set a public hearing for May 12, 2026, to permanently close a portion of an unopened right-of-way on the western edge of Saint Dunstan's Road, between 159 Saint Dunstan's Road and 183 Saint Dunstan's Road, and to retain drainage and utility easements within the right-of-way.

Attachment(s):
- Resolution
- Location Map

RESOLUTION NO. 26-___

RESOLUTION TO SET A PUBLIC HEARING FOR MAY 12, 2026 TO CLOSE A PORTION OF AN UNOPENED RIGHT-OF-WAY ON THE WESTERN EDGE OF SAINT DUNSTAN'S ROAD, BETWEEN 159 SAINT DUNSTAN'S ROAD AND 183 SAINT DUNSTAN'S ROAD AND TO RETAIN DRAINAGE AND UTILITY EASEMENTS

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 rights-of-way; and

WHEREAS, the City of Asheville is hereby declaring its intent to set a public hearing to consider the request to permanently close a portion of an unopened right-of-way on the western edge of Saint Dunstan's Road, between 159 Saint Dunstan's Road and 183 Saint Dunstan's Road; 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 shall hold a public hearing for May 12, 2026, to permanently close a portion of an unopened right-of-way on the western edge of Saint Dunstan's Road, between 159 Saint Dunstan's Road and 183 Saint Dunstan's Road, described as:

   Being a parcel of land located in the City of Asheville, Buncombe County, North Carolina, in the Saint Dunstans historic district, said parcel being a portion of the City of Asheville's road right-of-way for Saint Dunstans Road. Said parcel is situated in the "Parkway" that is located southeast of Lots 8 through 12 as shown on the plat of S.G. Bernard's Property subdivision as recorded in Plat Book 1, Page 46 in the Buncombe County Register of Deeds, containing approximately 0.222 acres, and being more particularly described as follows:

   Commence at NGS metal rod "Kenilworth" PID AF8661 (N: 681898.66, E: 947197.52) and run South 85°54'57" West, 2616.04 feet to a three quarter inch open top iron pin found (N: 681712.37, E: 944588.67) at the southwest corner of Lot 8 (PB1, PG 46), being on the northern margin of Saint Dunstans Road right-of-way, and being the point of beginning of the parcel of land herein described, thence from said **POINT OF BEGINNING** and along said northern right-of-way margin, North 77°47'14" East, 20.66 feet to a point; thence leaving said northern right-of-way margin, South 24°15'44" West, 72.98 feet to a point; thence South 24°32'45" West, 68.79 feet to a point; thence South 24°07'27" West, 76.29 feet to a point; thence North 82°31'25" West, 21.68 feet to a five-eighths inch rebar found (capped V&M) located at the southeast corner of Lot 12 and being on the western right-of-way margin of Saint Dunstans Road,

west of the “Parkway” as shown in Plat Book 1, Page 46; thence along said western right-of-way margin, North 07°17'03" East, 68.65 feet to a five-eighths inch rebar found at the southeast corner of Lot 11; thence continuing along said western right-of-way margin, North 06°52'48" East, 60.36 feet to a three-quarter inch open top iron pin found at the southeast corner of Lot 10; thence North 17°50'19" East, 53.70 feet to a five-eighths inch rebar found at the southwest corner of Lot 9; thence North 78°04'07" East, 59.95 feet to the point of beginning, according to a survey by J. Dallas Gordon, PLS, NC L-4626 on March 22, 2026. Containing 0.222 ACRES more or less.

The **BASIS OF BEARINGS** for this description is North Carolina state plane grid North. All distances are horizontal ground. Use the average combined scale factor of 0.999792196 to convert from ground to grid distances. All coordinates shown are reported on North Carolina state plane grid NAD83(2011).

2. A public hearing on the question of permanently closing an unopened right-of-way on the western edge of Saint Dunstan’s Road, between 159 Saint Dunstan’s Road and 183 Saint Dunstan’s Road, and to retain drainage and utility easements, is hereby called for on Tuesday, May 12, 2026, 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 May 12, 2026.

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 Saint Dunstan’s Road. Additionally, a copy of this resolution of intent shall be sent by registered or certified mail to all owners of property abutting this right-of-way, 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 14th day of April, 2026.

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City Clerk Mayor

Approved as to form:

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City Attorney

THE CITY OF ASHEVILLE

Right Of Way Closure
SAINT DUNSTANS ROAD

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Legend
- Proposed Easement
- Proposed Closure Area
- Parcels
- Local US Highways (Buncombe County)
- Local NC Highway (Buncombe County)
- Local Blue Ridge Parkway (Buncombe County)
- Buncombe County Streets (Centerlines)

2023 Orthoimagery

