City of Asheville Staff Report

City Council Meeting Date: May 12, 2026

Staff Resources: Ashley Haire, Transportation Director; Jessica Morriss, Assistant Transportation Director

Action Requested: Adoption of a resolution 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.

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.

Vendor Outreach: N/A.

Council Vision 2036 Focus Area(s):

- A Well-Planned and Livable Community

Council Priority Recovery Area(s):

- N/A

Committee(s):

- N/A

Fiscal Impact:

- There is no fiscal impact associated with this right-of-way closure.

Suggested Motion:

- Motion to adopt a resolution 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.

Attachment(s):

- Resolution
- Location Map

City of Asheville Resolution Number 26-___

Resolution authorizing the permanent closure of 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 permanently closing 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; and

Whereas, on April 14, 2026 the City Council of the City of Asheville declared its intent to permanently close this right-of-way; and

Whereas, the City of Asheville has held a public hearing on May 12, 2026 after providing notice of such hearing pursuant to 160A-299 of the North Carolina General Statutes; and

Whereas, after conducting that hearing, it appears to the satisfaction of the City Council that closing the right-of-way is not contrary to the public interest and that no individual owning property in the vicinity of the right-of-way or in any applicable subdivision would thereby be deprived of reasonable means of ingress and egress to their property;

Now, Therefore, be it resolved by the City Council of the City of Asheville that:

The City Council hereby permanently closes 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.

Within the area described above the City retains and reserves two utility easements, specifically, a 10-foot drainage easement for stormwater and a 20-foot easement for water infrastructure.

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).

A certified copy of this resolution and order shall be filed in the Office of the Buncombe County Register of Deeds.

Read, approved and adopted this 12th day of May, 2026.

_____
Esther E. Manheimer, Mayor

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Brad Branham, City Attorney

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Magdalen Burleson, City Clerk

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

