RESOLUTION NO. 08-200

RESOLUTION OF INTENT TO PERMANENTLY CLOSE EXCESS RIGHT-OF-WAY ON BOTH SIDES OF SUMMIT AVENUE

WHEREAS, the City of Asheville is hereby declaring its intent to permanently close excess right-of-way on both sides of Summit Avenue to public use; and

WHEREAS, said right-of-way is not under the control of the North Carolina Department of Transportation; and

WHEREAS, said excess right-of-way is under the control of the City of Asheville and is not needed by the City;

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 excess right-of-way on both sides of Summit Avenue as more specifically shown on Exhibit "A" attached hereto and incorporated hereby by reference; the real properties adjoining said proposed closing are PINs 9655.17.00.9786, 9655-17.10.1793, 9655-17.11.0092. and 9655-17.10.2947.

2. A public hearing on the question of the closing of the excess right-of-way on both sides of Summit Avenue is hereby called for Tuesday, November 11th , 2008, at the regular meeting of the City Council beginning at 5:00 pm., in the City Council Chambers Room, 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 November 11, 2008.

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 the aforementioned right-of-ways. 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-ways 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 October, 2008.

Magdalen Burleson
City Clerk

Jerry W. Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

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RESOLUTION NO. 08-201

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION OF PROPERTY LOCATED OFF OF CROWELL ROAD AND FARM STREET

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the petition has been signed by the owners of all the real property within the area described herein; and

WHEREAS, the City Clerk has investigated the sufficiency of the petition and has certified to the City Council the sufficiency thereof; and

WHEREAS, the property described herein is contiguous to the existing corporate limits as defined by N.C.G.S. Sec. 160A-31(f) in that it abuts directly on the municipal boundary;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Asheville, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held in the Council Chamber on the Second Floor of the City Building at 5:00 PM on the 28th day of October, 2008.

Section 2. The area proposed for annexation is as described on Exhibit "A" attached hereto. A map of the same subject property is attached hereto as Exhibit "B".

Section 3. Notice of the public hearing shall be published in the Asheville Citizen-Times, a newspaper having general circulation in the City of Asheville, at least ten (10) days prior to the date of the public hearing.

Read, approved and adopted this 14th day of October, 2008.

Magdalen Bradley
City Clerk

Jerry W. Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Bradley
City Clerk

EXHIBIT A

Tract 1:

BEGINNING at a point located in the center of Crowell Road (S.R. 1246), said Beginning point standing North 20° 42' 55" West 242.26 feet, South 73° 45' 31" West 21.77 feet and North 20° 40' 01" West 161.62 feet from the Southwestern corner of the PMHB property as described in Deed Book 1961 at Page 175, and from said Beginning point thus established runs thence with the center line of Crowell Road the following three calls: 1) North 20° 40' 01" West 59.01 feet, 2) North 13° 58' 27" West 72.71 feet and 3) North 11° 21' 50" West 186.68 feet; thence North 75° 14' 44" East 410.95 feet; thence South 21° 08' 20" East 24.48 feet; thence South 14° 19' 18" East 102.97 feet; thence South 14° 19' 18" East 50.59 feet; thence South 13° 04' 31" East 160.45 feet; thence South 78° 05' 00" West 414.27 feet to the point and place of BEGINNING. Said property consisting of 3.157 acres, more or less, as shown on a plat prepared for Crowell Park – MHO, by Michael Green Associates, P.A., dated September 12, 2006, Job No. 3971. Said property being all of that property described in deeds recorded in Book 686 at Page 481 and Book 655 at Page 262, less and excepting the property described in Book 752 at Page 608.

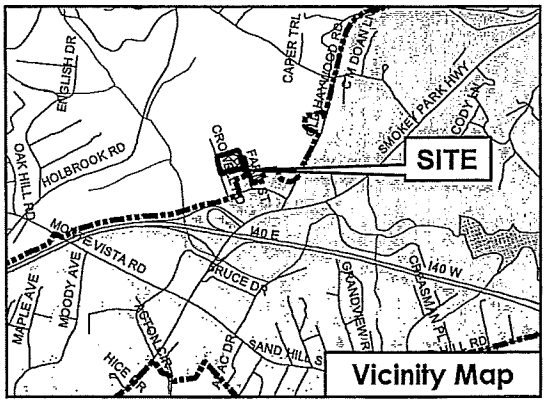
Tract 2:

BEGINNING at a point located in the Western margin of Farm Street, said Beginning point standing North 14° 19' 23" West 175.42 feet and North 14° 24' 07" West 57.37 feet from the Southeastern corner of the Patel property as described in Book 2098 at Page 591, and from said Beginning point thus established runs thence South 73° 45' 29" West 64.74 feet; thence North 15° 44' 19" West 129.91 feet; thence North 13° 04' 31" West 160.45 feet; thence North 14° 19' 18" West 50.59 feet; thence South 74° 05' 24' East 64.37 feet to a point located in the Western margin of Farm Street; thence with the Western margin of Farm Street, South 15° 58' 14" East 306.42 feet to the point and place of BEGINNING. Said property consisting of .456 acres as shown on the above-referenced plat. Said property being all of that property described in deeds recorded in Book 1693 at Page 148 and Book 1699 at Page 689, less and excepting the property described in Book 1795 at Page 253 and in Book 1961 at page 175.

City of Asheville - Exhibit B Map
Voluntary Annexation

Project Number: A-08-02
Project Description: Petition Annexation
Petitioner(s): Mountain Housing Opportunities
Parcel ID Number(s): 9617.08-79-9568; 9617.08-89-2443

Location/Address: Crowell Road and Farm Street



Project Site
Parcels
Zoning Districts
Asheville City Limits
Streets
Streams

City of Asheville Planning and Development Department - 3 October 2008

RESOLUTION NO. 08-202

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT FOR THE PURCHASE OF EQUIPMENT TO BE USED BY HAZARDOUS MATERIALS REGIONAL RESPONSE TEAM 6 – ASHEVILLE

WHEREAS, the City has authority pursuant to N.C.G.S. §160A-17.1 to apply for and receive grants from the State and Federal government, and

WHEREAS, the Department of Crime Control and Public Safety, Division of Emergency Management has awarded RRT 6 – Asheville a non-matching grant in the amount of $205,714 for the purchase of specialized equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters, and

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

The City Manager is hereby authorized to enter into an agreement with the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, for a non-matching grant in the amount of $205,714 to purchase equipment to be used on-scene and to prepare for threatened or actual weapons of mass destruction or domestic terrorists attacks or major disasters.

Read, approved and adopted this 14th day of October, 2008.

Magdalen Boulleson
City Clerk

Jerry W Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Boulleson
City Clerk

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RESOLUTION NO. 08- 203

RESOLUTION MAKING PROVISIONS FOR THE POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND/OR UNFORTIFIED WINE AT JUST BECAUSE YOU'RE ASHEVILLE ON THE DATE OF SATURDAY, OCTOBER 25, 2008 FROM 4:00 PM – 10:00 PM.

WHEREAS, N. C. Gen. Stat. sec. 18B-300(c) authorizes the City by ordinance to regulate or prohibit the consumption and/or possession of open containers of malt beverages and unfortified wine on the public streets and on property owned, occupied or controlled by the City and to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, the City Council of the City of Asheville has adopted an ordinance pursuant to that statutory authority; and

WHEREAS, that ordinance, codified as Section 11-11 in the Code of Ordinances of the City of Asheville provides that the City Council may adopt a resolution making other provisions for the possession of malt beverages and/or unfortified wine at a special event or community festival; and

WHEREAS, the City Council of the City of Asheville hereby determines to make other provisions for the possession of malt beverages and/or unfortified wine at Just Because You're Asheville.

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

1. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed within the Just Because You're Asheville event area.

   The Just Because You're Asheville event area is within the boundaries of the 100 block of Lexington Avenue, as shown in the attached Exhibit A.

2. The possession of open containers of malt beverages and/or unfortified wine and the consumption of malt beverages and/or unfortified wine shall be allowed for Just Because You're Asheville on Saturday, October 25, 2008 from 4:00 PM –10:00 PM.

3. The possession of and consumption from open containers of malt beverages and/or unfortified wine allowed hereinabove shall be limited to malt beverages and/or unfortified wine contained in either unbreakable plastic cups or aluminum cans. Possession of and/or consumption from glass containers of malt beverages and/or unfortified wine are not allowed anywhere in the Just Because You're Asheville event area. No other possession of open containers of malt beverages and/or unfortified wine or consumption of malt beverages and/or unfortified wine shall be allowed in the Just Because You're Asheville event area, or elsewhere in the City of Asheville as prohibited by Section 11 - 11 of the Code of Ordinances of the City of Asheville.

4. The location of Just Because You're Asheville, listed hereinbefore, where possession of open containers of malt beverages and/or unfortified wine and consumption of malt beverages and/or unfortified wine are allowed shall be designated by the posting of signs in the event area.

Read, approved and adopted this 14th day of October 2008.

Magdalen Burleson
City Clerk

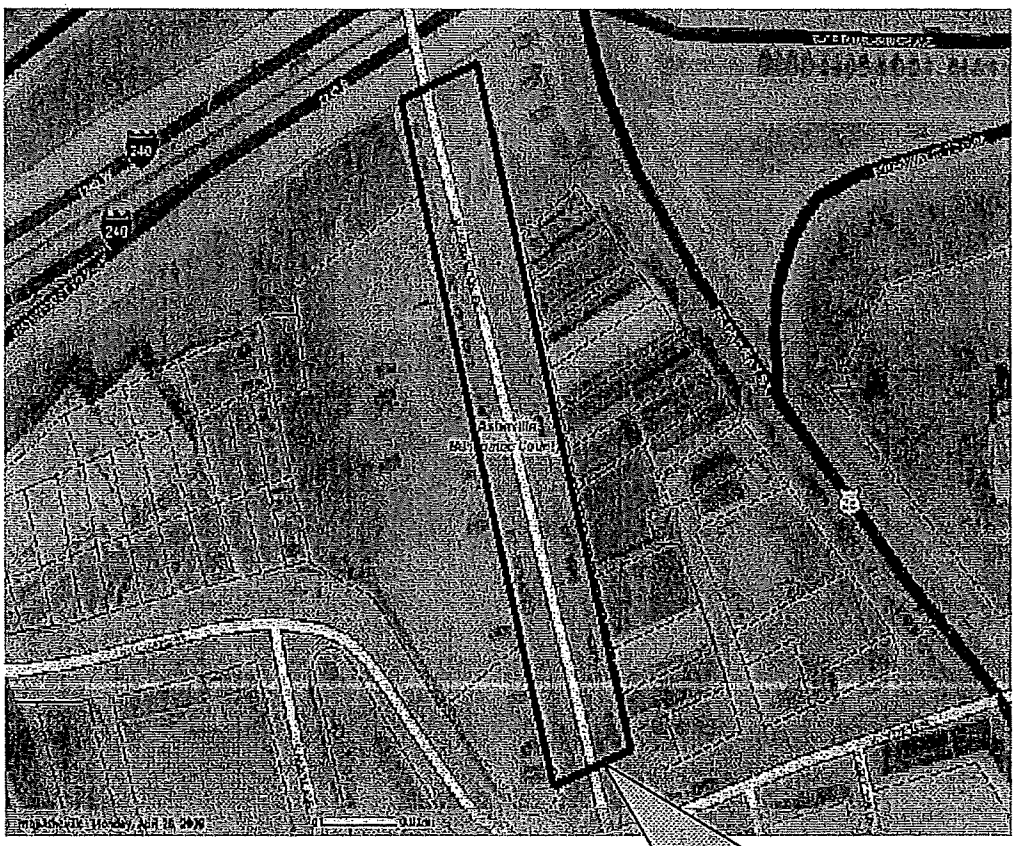
Jerry W Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

EXHIBIT A



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RESOLUTION NO. 08-204

RESOLUTION TO PERMANENTLY CLOSE AN UNOPENED PORTION OF SHADY LANE

WHEREAS, the City has the authority pursuant to N.C. Gen. Stat. sec. 160A-299 to permanently close streets or alleys within its jurisdiction, upon compliance with applicable law; and

WHEREAS, a petition has been filed by the property owner, Skyland Baptist Church, asking that a portion of Shady Lane be permanently closed to public use; and

WHEREAS, City Council on the 9th day of September, 2008 adopted a resolution of intent to close said street and ordered a public hearing on the question of this closing for the 14th day of October, 2008, at its regular meeting in the City Council Chambers, 2nd floor of the City Hall Building, Asheville, North Carolina; and

WHEREAS, aforesaid resolution of intent to close and order of said hearing was published in the Asheville Citizen Times, a newspaper of general circulation in Buncombe County, North Carolina, once a week for four successive weeks prior to said public hearing, as evidenced by publisher's affidavit presented to Council at said public hearing; and

WHEREAS, a copy of said resolution of intent to close and order for such public hearing was prominently posted at two places along said right-of-way and a copy was forwarded to all owners as shown on the Buncombe County tax records who did not join in the petition to close; and

WHEREAS, at said public hearing, no objections were made that the proposed closing of said portion of street would deprive any individual owning property in the vicinity in which said street is located of a reasonable means of ingress and egress to the property.

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

Pursuant to North Carolina General Statute Section 160A-299, a portion of Shady Lane located between Lot 1 of Block 27 and Lot 21 of Block 28 of Plat Book 1 at Page 63, recorded in the Buncombe County Register of Deeds Office, and more particularly described as lying north of Maple Lane and south of Pond Street and within pin number 9654.05-09-3347, be permanently closed to public use as a street.

Read, approved and adopted this 14th day of October, 2008.

Magdalen Burleson
City Clerk

Terry M Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Burleson
City Clerk

RESOLUTION NO. 08-205

RESOLUTION OF APPRECIATION TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY ADMINISTRATION FOR SUPPORT IN THE EVALUATION OF ALTERNATE 4B OF THE I-26 CONNECTOR PROJECT

WHEREAS, the North Carolina Department of Transportation and the Federal Highway Administration are developing a highway improvement project known as the I-26 Connector; and

WHEREAS, in response to considerable public desire for constructive input into the design of this critical highway project, the City of Asheville and the Asheville Metropolitan Planning Organization requested additional opportunities for this input to occur while simultaneously maintaining the construction schedule for the I-26 Connector project; and

WHEREAS, during the summer of 2000, the Community Coordinating Committee, in cooperation with the North Carolina Department of Transportation and the Federal Highway Administration, held two extensive public meetings-the Education Forum and the Design Forum-to educate and involve the public regarding the necessity and the design of the I-26 Connector project; and

WHEREAS, the Asheville Design Center identified an alternative alignment for the I-26 Connector know as Alternate 4B, which reduces the amount of right-of-way required to complete the project and separates interstate and local vehicular traffic; and,

WHEREAS, the City of Asheville and Buncombe County funded an additional engineering study by Figg Bridge Engineering to further evaluate Alternate 4B for the purposes of consideration as the preferred alignment for the I-26 Connector; and,

WHEREAS, the North Carolina Department of Transportation and Federal Highway Administration had accepted Alignment 4B as one of four alternate designs for the I-26 Connector; and,

WHEREAS, the North Carolina Department of Transportation and Federal Highway Administration held a public hearing for said project on September 16, 2008; and,

WHEREAS, City Council wishes to provide official public comment on the Draft Environmental Impact Statement for the I-26 Connector Project;

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

The North Carolina Department of Transportation and the Federal Highway Administration are hereby commended for their cooperative spirit and willingness in consideration of Alternate 4B of the I-26 Connector Project, particularly in their efforts to visually communicate the various alternates during the September 16, 2008, Public Hearing.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT Council supports expediting the design and construction of the I-26 Connector project.

BE IT FINALLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE based on review of the four alternates for the I-26 Connector Project that City Council supports selection of Alternate 4B in that it meets many of the community's strategic goals by reducing the amount of right-of-way required for the construction of the project and separates local and interstate vehicular traffic.

Read, approved and adopted this 14th day of October, 2008.

Magdalen Bruleson
City Clerk

Jerry M Bellamy
Mayor

Approved as to form:

City Attorney

Magdalen Bruleson
City Clerk