

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A CONTRACT WITH SITEWORK STUDIOS, PLLC FOR ENGINEERING CONSTRUCTION DOCUMENTS FOR THE CLINGMAN FOREST AND TOWN BRANCH GREENWAYS

WHEREAS, the City of Asheville has authority pursuant to Article 3 of Chapter 160A of the North Carolina General Statutes to enter into contracts for services with other entities; and

WHEREAS, on February 22, 2011, the City Council approved the Cooperative Agreement with the Federal Transportation Administration for the use of TIGER II Planning Grant funds, including the allocation of funds for Greenways and RADTIP; and

WHEREAS, a Request for Qualifications was issued on February 22, 2012 for design and engineering services for the Clingman Forest and Town Branch Greenway, and Sitework Studios, PLLC was selected following a thorough staff review and evaluation; and

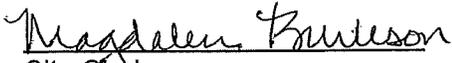
WHEREAS, City Council on January 8, 2013 City Council authorized the City Manager to enter into a contract with Sitework Studios, PLLC to prepare architectural and engineer construction documents for the Town Branch and Clingman Forest Greenways in the original amount of \$370,000, and this contract was amended in September 2013 to \$495,000 and the contract requires an additional amendment to finalize the documents for the Federal Highway Administration review and approval increasing the total contract amount to \$540,000; and

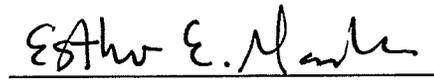
WHEREAS, the City Council has approved funding via the Capital Improvement Project budget for Stormwater and Greenways;

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

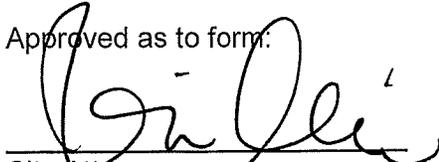
The City Manager is hereby authorized to execute an amendment to the existing contract on behalf of the City of Asheville with Sitework Studios in an additional amount not to exceed \$45,000.00 for the Clingman Forest and Town Branch Greenways engineering construction documents and further authorized to execute any change orders to said contract or documents which may arise during construction of said project up to the budgeted amount.

Read, approved and adopted this the 22nd day of March, 2016.


City Clerk


Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 16-55

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT AND ACCEPT AND EXECUTE GREENWAY EASEMENTS ALONG THE RHODODENDRON CREEK GREENWAY

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, Mountain Sun Building & Design LLC, Davenport Park Homeowners Association, Inc., and Green Development, LLC, hereinafter the Property Owners, are the owners of properties located in the vicinity of Shelburne Rd, Estes Ct, and Rhododendron Creek with identified with PINs as follows: PINs 9628-92-4520 (Mountain Sun Building & Design, LLC); 9628-92-7134 (Davenport Park Homeowners Assoc., Inc.); and 9628-92-6513, 9628-92-6562, 9628-92-5672 (Green Development, LLC); and

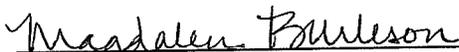
WHEREAS, the aforementioned Property Owners have offered to donate to the City of Asheville Permanent Easements containing approximately 24,754 square feet or 0.57 acres over a portion of each of their properties for purposes of a greenway; and

WHEREAS, the proposed greenway easement area lie within the Rhododendron Creek Greenway of the City of Asheville Greenway Master Plan and will benefit the community;

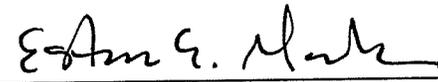
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute a Letter of Intent and any other necessary documents and , to accept and execute permanent easements over a portion of property located in the Shelburne Rd, Estes Ct, and Rhododendron Creek (PIN #9628-92-4520, 9628-92-6513, 9628-92-6513, 9628-92-6562, 9628-92-6513) by Mountain Sun Building & Design, The Davenport Homeowners Assoc., Inc. and Green Development, LLC for the purposes of land banking easements for the Rhododendron Creek Greenway.

Read, approved and adopted this 22nd day of March, 2016.

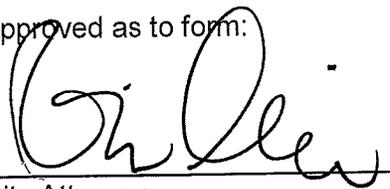


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION NO. 16-56

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A CONTRACT AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, DIVISION OF EMERGENCY MANAGEMENT TO PROVIDE A REGIONAL HAZARDOUS MATERIALS EMERGENCY RESPONSE TEAM SIX (6) – ASHEVILLE

WHEREAS, the City has the desire to provide the highest level of emergency services to the citizens of Asheville and for the response area for Regional Response Team Six (6) in the most efficient means possible; and

WHEREAS, funds are available from the State of North Carolina through the Department of Public Safety for the provision of Regional Hazardous Materials Emergency Response Teams; and

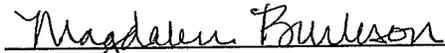
WHEREAS, the State of North Carolina agrees to provide specialized equipment and materials for the use by the City of Asheville at no cost to the Asheville taxpayers; and

WHEREAS, the City of Asheville has the staff, expertise, and commitment to provide regional hazardous materials emergency response services;

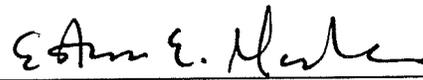
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to accept the Contract Agreement between the City of Asheville and the North Carolina Department of Public Safety for Regional Hazardous Materials Response for Region 6, with the contract to be effective July 1, 2016, through June 30, 2020.

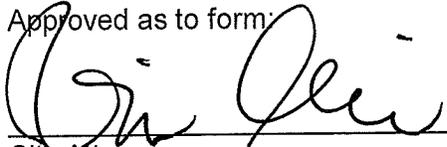
Read, approved and adopted this 22nd day of March, 2016.



City Clerk



Mayor

Approved as to form:


City Attorney

RESOLUTION NO. 16-57

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR NINE ADDITIONAL FIREFIGHTER POSITIONS

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

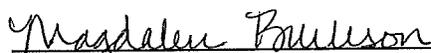
WHEREAS, the US Department of Homeland Security is taking applications for the Fiscal Year 2015 SAFER grant program for the purpose of hiring additional firefighters; and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of \$868,032 to obtain funding for nine additional firefighter positions;

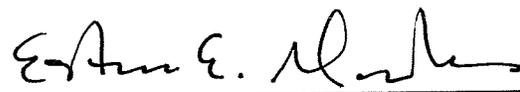
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The fire department is hereby authorized to apply for the Fiscal Year 2015 SAFER grant with the U.S. Dept. of Homeland Security, for a grant in the amount of \$868,032 to obtain funding for nine additional firefighter positions.

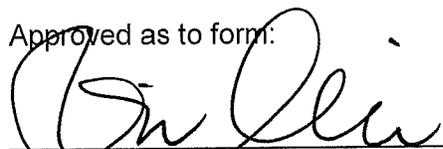
Read, approved and adopted this 22nd day of March, 2016.



City Clerk



Mayor

Approved as to form:


City Attorney

RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO APPLY FOR A GRANT FROM THE U.S. DEPT. OF HOMELAND SECURITY TO OBTAIN FUNDING FOR EQUIPMENT AND SUPPLIES NECESSARY FOR A COMPREHENSIVE HOME FIRE SAFETY PROGRAM, FIRE EXTINGUISHER TRAINING PROPS, AND AN INFLATABLE FIRE SAFETY HOUSE, AND TO ACCEPT GRANT FUNDING IF AWARDED

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 US Department of Homeland Security is taking applications for the Fiscal Year 2015 AFG grant program for the purpose of providing equipment and tools for firefighters, and

WHEREAS, the Asheville Fire Department wishes to apply for a grant in the amount of \$110,000 to obtain funding for equipment and supplies necessary for a comprehensive home fire safety program, fire extinguisher training props, and an inflatable fire safety house;

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

The Fire Department is hereby authorized to apply for the Fiscal Year 2015 AFG grant with the U.S. Dept. of Homeland Security, for a grant in the amount of \$110,000 to obtain funding for equipment and supplies necessary for a comprehensive home fire safety program, fire extinguisher training props, and an inflatable fire safety house, and to accept grant funding if awarded.

Read, approved and adopted this 22nd day of March, 2016

Magdalen Paulson
City Clerk

Edna E. Mark
Mayor

Approved as to form:
Bill Klein
City Attorney

RESOLUTION NO. 16-59

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A 99 YEAR GROUND LEASE WITH DUKE ENERGY PROGRESS, INC. FOR 98 DESOTA STREET

WHEREAS, the City of Asheville is authorized pursuant to G.S. 160A-240.1 to acquire the fee or any lesser interest in real property by gift, grant, bequest or any other lawful method; and

WHEREAS, in 2014 Duke Energy Progress offered to donate 48 acres located at 98 Desota Street, identified as PIN 963892348400000 in fee simple to the City for the French Broad River Greenway and the City Council passed a resolution to accept the donation (Resolution No. 14-33 on February 28, 2014); and

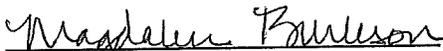
WHEREAS, the donation transaction was never completed and now Duke Energy Progress, Inc. and the City agree that a long term ground lease is a better alternative to a fee simple donation for both parties; and

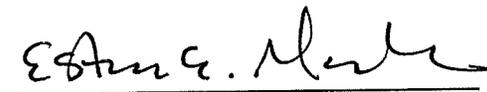
WHEREAS, the proposed lease of the property located at 98 Desota Street, would be for a term on 99 years at a rental rate of \$1 per year;

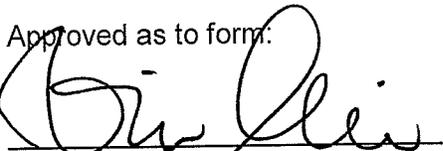
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute documents and to enter into a ground lease agreement with Duke Energy Progress for property location at 98 Desota Street, PIN 963892348400000. 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 22th day of March, 2016.


City Clerk


Mayor

Approved as to form:

City Attorney

RESOLUTION NO. 16- 60

RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE NEGOTIATIONS AND EXECUTE PUBLIC PRIVATE STORMWATER AGREEMENT WITH THE DEVELOPER/PROPERTY OWNERS OF 248 PATTON AVENUE (DELRAY AT PATTON AVENUE, LLC), TO CONSTRUCT A NEW STORM DRAINAGE SYSTEM WITHIN THE PUBLIC RIGHT OF WAY BEGINNING ON HAYWOOD ROAD CONTINUING ON PATTON AVENUE TO THE INTERSECTION WITH PEARL STREET AND TRAVELING DOWN PEARL STREET TO HILLARD AVENUE WHERE IT CONNECTS TO AN EXISTING SYSTEM _____

WHEREAS, the City has the ability to enter into a public private partnership agreement to make improvement to city infrastructure; and

WHEREAS, the failure of the existing system has the potential to causing further damage to the properties it is located on and near; and

WHEREAS, the City through this partnership will gain needed stormwater infrastructure along Pearl Street; and

WHEREAS, an engineer's estimate has been completed and determined that the cost to construct the stormwater system would cost approximately \$1,660,000;

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

The City Manager is hereby authorized to execute a public/private stormwater agreement, and any other documents necessary to complete this transaction, with the developer/owner of 248 Patton Avenue (Delray at Patton Avenue, LLC), to construct a new storm drainage system within the public right of way beginning on Haywood Road continuing on Patton Avenue to the intersection with Pearl Street and traveling down Pearl Street to Hilliard Avenue where it will end at the connection with an existing storm drainage system on Hilliard Avenue. The city will partner with this project with a 50%/50% cost share up to a maximum of \$600,000.

Read, approved and adopted this the 22nd day of March 2016.

Magdalena Brulson
City Clerk

E. Ann E. Mize
Mayor

Approved as to form:

Billie
City Attorney

RESOLUTION NO. 16-61

RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A SANITARY SEWER EASEMENT ON WEST CHAPEL ROAD TO CIP CONSTRUCTION AND DEVELOPMENT INC. FOR THE BUSBEE MOUNTAIN VIEW SUBDIVISION FOR SUBSEQUENT ASSIGNMENT TO THE METROPOLITAN SEWERAGE DISTRICT

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 property located on West Chapel Road, identified as PIN# 9657521103; and

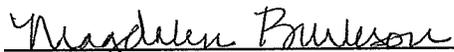
WHEREAS, CIP Construction and Development Inc. has requested a Permanent Easement containing approximately 108.69 square feet over a portion of said property at West Chapel Road; and

WHEREAS, CIP Construction and Development Inc. intends to convey this easement to the Metropolitan Sewerage District for management and maintenance after execution;

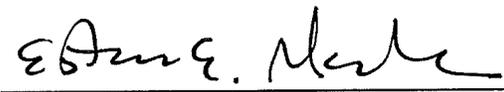
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to execute any and all documents, approved by the City Attorney, to convey a permanent easement over a portion of property located on West Chapel Road (PINS #9657518831) to the CIP Construction and Development Inc. for subsequent conveyance to MSD of Buncombe County, North Carolina for continued management and maintenance.

Read, approved and adopted this 22nd day of March, 2016.

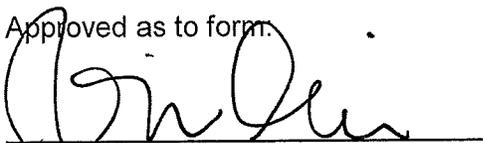


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION NO. 16- 62

RESOLUTION AMENDING RESOLUTION 16-16 AUTHORIZING THE PRIVATE SALE OF CITY-OWNED REAL PROPERTY LOCATED ON STATE STREET TO MAKE A TECHNICAL CORRECTION REGARDING THE NUMBER OF DEED RESTRICTED HOMES

WHEREAS, in Resolution 16-16, adopted by the Asheville City Council on January 12, 2016, City Council authorized the sale of .18 acres of real property located on State Street, more particularly identified on the Buncombe County tax map as PIN No. 963851983000000 (DB 454 at Page 318) to Mountain Housing Opportunities; and

WHEREAS, the Resolution incorrectly stated that the parcel is to be specifically restricted at conveyance to be used to support the development of at least 6 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size but Staff Report had correctly noted that a condition of the sale was that at least 3 single-family homes would be affordable;

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

1. Resolution 16-16 be corrected to state that that the parcel is to be specifically restricted at conveyance to be used to support the development of at least 3 single-family homes which will be affordable to and sold to families with income below 80% of area median income, adjusted for family size; and

2. All other provisions of Resolution 16-16 shall remain unchanged.

Read, approved and adopted the 22th day of March, 2016.

Magdalen Burlington
City Clerk

Edwin E. Lee
Mayor

Approved as to form
[Signature]
City Attorney

RESOLUTION NO. 16-63

RESOLUTION AUTHORIZING THE CITY MANAGER SUBMIT A GRANT APPLICATION TO THE PARKS AND RECREATION TRUST FUND, AND TO AUTHORIZE THE CITY MANAGER TO SIGN A LETTER OF COMMITMENT TO PROVIDE MATCHING FUNDS IF THE CITY IS AWARDED THE GRANT

WHEREAS, PARTF issued a Notice of Funding Availability (NOFA) for funds in 2016; and

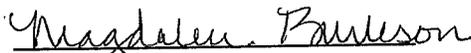
WHEREAS, the City of Asheville has identified a parks and recreation project that meets the goals and requirements contained in the PARTF application; and

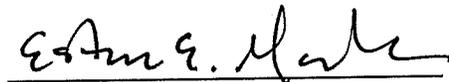
WHEREAS, City Council has identified implementation of this project as a key strategic goal;

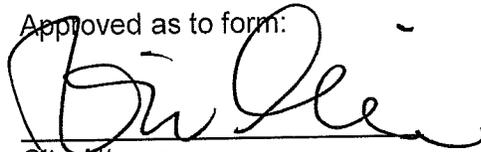
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Manager is hereby authorized to submit a grant application to PARTF in response to the 2016 grant cycle, and is further authorized to sign a letter indicating the City of Asheville's commitment to provide matching funds if the City is awarded the grant. The city is further authorized to accept the grant funds if they are awarded as part of this resolution.

Read, approved and adopted this the 22nd day of March, 2016.


City Clerk


Mayor

Approved as to form:

City Attorney

CITY RESOLUTION NO. 16-64

COUNTY RESOLUTION NO. _____

RESOLUTION ESTABLISHING A JOINT CITY, COUNTY AND UTILITY ENERGY INNOVATION TASK FORCE FOR THE PURPOSE OF RESEARCHING, PRIORITIZING, RECOMMENDING AND IMPLEMENTING RECOMMENDATIONS TO CREATE ENERGY EFFICIENCY, DEMAND SIDE MANAGEMENT AND RENEWABLE ENERGY OPPORTUNITIES TO REDUCE ENERGY USE IN BUNCOMBE COUNTY

WHEREAS, Buncombe County adopted a resolution regarding Buncombe County Energy Independence on December 3, 2013; and

WHEREAS, the City of Asheville adopted a resolution Supporting a Clean Energy Economy on October 22, 2013; and

WHEREAS, the region's beauty, clean air, and clean water are vital to the residents of Buncombe County and the region's economy; and

WHEREAS, the City of Asheville, Buncombe County, and Duke Energy Progress are committed to working to delay or avoid the construction of an additional fossil fuel-powered combustion turbine electricity generating facility at the Asheville Plant site in 2023; and

WHEREAS, the City of Asheville, Buncombe County, and Duke Energy Progress desire a transition to a cleaner, affordable, and smarter energy future in Western North Carolina, rooted in community engagement and collaboration, that is mutually beneficial to the community, customers and Duke Energy Progress; and

WHEREAS, Duke Energy Progress has agreed to co-convene with the City of Asheville and Buncombe County a joint Energy Innovation Task Force to transition to a cleaner, affordable, and smarter energy future through active community engagement, deliberate investment in distributed energy resources and greater promotion of and access to energy efficiency and demand-side management programs, subject to appropriate North Carolina Utilities Commission approval; and

WHEREAS, supporting a clean energy future will foster protection of natural resources, help mitigate climate change, and facilitate the growth of the clean energy industry in our region; and

WHEREAS, the task force will engage with our community to provide cost-effective services, programs and new products they value and expect through investment in clean and innovative ways to power Western North Carolina, while keeping rates competitive; and

WHEREAS, Buncombe County residents and businesses have the ability to seize this opportunity to use renewable energy and participate in energy efficiency and demand-side management programs to increase the region's climate resiliency and to become a model to other communities in the state and country;

NOW, THEREFORE, BE IT RESOLVED BY THE BUNCOMBE COUNTY COMMISSION AND ASHEVILLE CITY COUNCIL THAT:

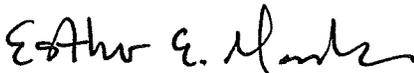
Buncombe County, the City of Asheville and Duke Energy Progress have established a joint task force known as the "Energy Innovation Task Force" that will appoint members from local government, environmental and clean energy advocates, large and small businesses, local

institutions and Duke Energy Progress to research, recommend and implement energy efficiency and demand-side management programs and projects and distributed energy technology in Buncombe County, subject to appropriate North Carolina Utilities Commission approval. This Task Force will seek input from and engagement with the public as an integral part of its work.

Read, approved and adopted this 22nd day of March 2016, by the Asheville City Council.

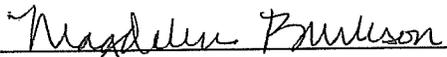
Read, approved and adopted this 5th day of April, 2016, by the Buncombe County Board of Commissioners.

Buncombe County Commission Chair



Mayor, City of Asheville

County Clerk



City Clerk

Approved as to form:

County Attorney



City Attorney

RESOLUTION NO. 16- 65

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED NEAR 119 AND
121 SAND HILL ROAD

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley located near 119 and 121 Sand Hill Road; and

WHEREAS, City Council on the 23rd day of February, 2016, adopted a resolution of intent to permanently close the unnamed alley located near 119 and 121 Sand Hill Rd., and ordered a public hearing on the question of the closing for the 22nd day of March, 2016, at its regular meeting on the 2nd floor of the City Hall building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley located near 119 and 121 Sand Hill Road; and

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

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

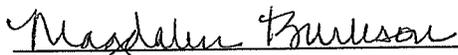
1. The City Council hereby declares its intent to permanently close an unnamed alley located near 119 and 121 Sand Hill Road, described as follows:

Beginning at an Existing Iron Pin located in the Northern Right of Way of Sand Hill Road and the Western Right of Way of an unopened Road as shown on PB. 11 PG.

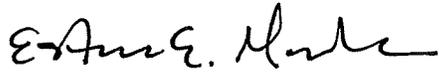
70 and known as Old Sand Hill Road and runs thence with the Western Right of Way Old Sand Hill Road and the property of Jennifer Ryan Fulton DB. 4358 Pg. 1903 and the line shown on PB. 83 Page 185, N 15-32-32 E 10.45' to a calculated point, thence N 08-27-07 E 70.01' to an Existing Iron Pin common corner of Jennifer Ryan Fulton and Debra S. Carter, thence with the line of Debra S. Carter N 08-27-07 E 26.74' to a calculated point, thence N 23-32-36 E 75.78' to a calculated point, thence N 34-58-02 E 18.39' to an Existing Iron Pin, thence with the line of Vivianne C. Wersel, DB. 5145 PG. 1336 and PB. 74 PG. 173, S 58-26-50 E 27.79' to an Existing Iron Pin located in the Eastern Right of Way of Old Sand Hill Road and the Northeast corner of Lot #1, PB. 11 PG. 70, thence with the land of Debra S. Carter and the Eastern Right of Way of Old Sand Hill Rd. S 34-58-02 W 27.14' to an Existing Iron Pin, thence S 23-32-36 W 47.91' to an Iron Pin Set, the Northeast corner of DB. 1925 PG. 776, thence S 23-32-36 W 12.00' to an Existing Iron Pin, the Northwest corner of Lot #1, PB. 11 PG. 70, thence continuing with the land of Debra S. Carter, S 11-36-14 W 67.10' to an Iron Pin Set at the Intersection of the Right of Way of Old Sand Hill Road and the Right of Way of Sand Hill Road, thence with the Right of Way of Sand Hill Road, S 40-57-21 W 43.52' to the Beginning.

Having an area of 0.101 acres (4418 sq. ft.). The foregoing description is based on an unrecorded survey by William E. Anders, Jr., PLS, dated August 19, 2015, entitled Survey For: Debra S. Carter, 119 and 121 Sand Hill Road, Asheville, NC; a copy of said survey can be found in the Office of the City Clerk.

Read, approved and adopted this 22nd day of March, 2016.

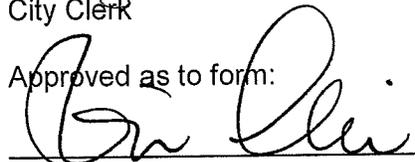


City Clerk



Mayor

Approved as to form:



City Attorney

RESOLUTION NO. 16- 66

RESOLUTION TO PERMANENTLY CLOSE AN UNNAMED ALLEY LOCATED BETWEEN
OTEEEN PARK PLACE AND PINE CONE DRIVE

WHEREAS, the City of Asheville has the authority pursuant to North Carolina General Statute 160A-299 to permanently close streets and alleys within its jurisdiction upon compliance with applicable laws; and

WHEREAS, a petition has been filed by the adjoining property owners to permanently close an unnamed alley located between Oteen Park Place and Pine Cone Dr; and

WHEREAS, City Council on the 23rd day of February, 2016, adopted a resolution of intent to permanently close the unnamed alley located between Oteen Park Place and Pine Cone Drive, and ordered a public hearing on the question of the closing for the 22nd day of March, 2016, at its regular meeting on the 2nd floor of the City Hall Building, Asheville, North Carolina; and

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

WHEREAS, a copy of said resolution of intent to close and order for public hearing was placed at two locations along the unnamed alley located between Oteen Park Place and Pine Cone Drive.; and

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

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 unnamed alley located between Oteen Park Place and Pine Cone Drive., described as follows:

Beginning at a 2 inch iron pipe filled with concrete in the western margin of the right of way for Oteen Park Place, said iron pipe marking the southeast corner of the Edson Degobbi and Lilian

H. Degobbi property described in Record Book 5352, at Page 1061 of the Buncombe County, NC Register's Office (the "Registry"), and runs thence with the southern boundary of the Degobbi property North 84° 54' 33" West 112.47 feet to a ½ inch capped rebar at the southwest corner of the Degobbi property and the eastern margin of the right of way of Pine Cove Drive, said rebar more particularly located by Grid Coordinates Y=686835.34, X=96261 7.70, NAD 83, 2011; thence with the margin of Pine Cove Drive South 4° 49' 12" West 15.00 feet to a ½ inch rebar at the northwest corner of the Paul & Doris G. Ray Living Trust property described in Record Book 4800, at Page 745 of the Registry; thence with the northern boundary of the Ray Trust property South 84° 54' 33" East 112.55 feet to a ½ inch rebar at the northeast corner of the Ray Trust property and in the western margin of Oteen Park Place; thence with the margin of Oteen Park Place North 4° 29' 13" East 15.00 feet to the point of Beginning; containing 0.039 acre, more or less, as shown on that "Boundary Survey for Lilian Degobbi" dated October 26, 2015, bearing Job File No. 15053, as prepared by NC Survey, P.C.

Read, approved and adopted this 22nd day of March, 2016.

Magdalena Paulson
City Clerk

Edwin E. Mark
Mayor

Approved as to form:
[Signature]
City Attorney

RESOLUTION AUTHORIZING ACTIONS FOR RELEASE OF HUD DEED RESTRICTION AND APPROVAL OF THE REQUEST FOR PROPOSALS PROCESS FOR THE DISPOSITION OF CITY-OWNED PROPERTY LOCATED AT 338 HILLIARD AVENUE

WHEREAS, The Asheville City Council has established a Strategic Goal to increase the supply of affordable housing in the City; and

WHEREAS, The Asheville City Council has established an action Item to identify and initiate use of city owned land for development of affordable housing projects to achieve that goal; and

WHEREAS, the property located at 338 Hilliard Avenue, currently housing the City's parks maintenance facility, has been determined to have a higher and better use as a site for the development of affordable housing; and

WHEREAS, funding to relocate that function to another suitable site has been established in the approved City budget; and

WHEREAS, the 338 Milliard Avenue property is currently restricted in use (open space) by a deed restriction associated with the original funding by the US Department of Housing and Urban Development (HUD) used to acquire the property; and

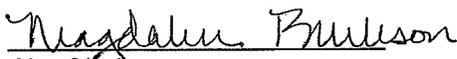
WHEREAS, HUD has indicated that the deed restriction may be removed upon a public hearing so long as the property will be used to meet the national objective of providing affordable housing; and

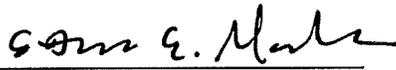
WHEREAS, The Asheville City Council seeks to remove the deed restriction and seek proposals from qualified developers to create affordable housing on a portion of the 338 Hilliard Avenue site;

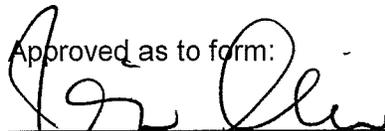
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. The City Manager is hereby authorized to take actions necessary to have the HUD deed restriction removed from the property located at 338 Hilliard Avenue;
2. The City Manager is hereby authorized to include the considerations for evaluation of the proposals for the disposition and development for affordable housing of approximately .75 acres of land located at 338 Hilliard Avenue, upon the approval of the City Attorney.

Read, approved and adopted the 22nd day of March, 2016.


City Clerk


Mayor

Approved as to form:

City Attorney