



Buncombe County Board of Commissioners

Request for Board Action

Meeting Date: 10/20/2020

Consent Agenda

Department: Legal & Risk

Presenter(s): Michael Frue

Contact(s): Michael Frue

Subject: Milan Asheville @ 324 Biltmore Avenue
Request to Approve Petition to Permanently Close a Street or Alleyway

Brief Summary: Milan Asheville owns property located at 324 Biltmore Avenue in Asheville adjacent to County-owned property at 356 Biltmore Avenue. Milan Asheville plans to build an extended stay hotel on this site. City Council approved the project and conditional zoning for the site as evidenced by Ordinance #: 4733 on March 12, 2019.

Site planning and a title search disclose that there is an unopened 8' alley on the south property line of the site and Milan Asheville has prepared a petition to the City of Asheville to permanently close this alley and requests the County consent for approval. This unopened alley lies in a grass area between the pavement on the Milan Asheville site and the County roadway leading up to the parking deck at 356 Biltmore Avenue.

Pursuant to GS §160A-299, once a street or alley is closed by a municipality all right, title, and interest in the roadway shall be conclusively presumed to be vested in the adjacent landowners. In this case, both Milan Asheville and the County would own an additional 4' of property along the centerline of the 134.75 feet of permanently closed alleyway.

Recommended Motion & Requested Action: Approve the Request to Approve Petition to Permanently Close a Street or Alleyway.

County Manager's comments and Recommendation: Manager recommends approval as presented.