



Metropolitan Sewerage District

OF BUNCOMBE COUNTY, NORTH CAROLINA

Meeting Notice

The following meeting will be held on **Wednesday, May 25, 2022**, in the Boardroom of the W.H. Mull Building located at 2028 Riverside Drive, Asheville, North Carolina.

Right-of-Way Committee – 9:00 am

Agenda is attached.

~Protecting Our Natural Resources~



Metropolitan Sewerage District
of Buncombe County, NC

AGENDA FOR 5/25/2022
9:00 A.M.

ROW COMMITTEE

	Agenda Item	Presenter
	01. Call to Order	Kelly
	02. Inquiry as to Conflict of Interest	Kelly
	03. Consideration of Compensation Budget – Bell Road @ New Haw Creek Road Project No. 2017244	Banks
	04. Consideration of Condemnation – Caledonia Road GSR, Project No. 2014153	Banks
	05. Consideration of Condemnations – Cherokee Road GSR, Project No. 2009132	Banks
	06. Consideration of Land Purchase for Assemblage with Weaverville Pump Station #2	Banks
	07. Adjourn	Kelly
	Date of next meeting: June 22, 2022 @ 9:00 a.m.	

Committee Members: Glenn Kelly, Chairman
Matt Ashley Jr.
Jackie Bryson
Esther Manheimer
Chris Pelly
Nathan Pennington
Al Whitesides

Metropolitan Sewerage District of Buncombe County
Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 5/25/2022

BOARD MEETING DATE: 6/22/2022

SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
REVIEWED BY: Hunter Carson, PE, Director of Engineering

SUBJECT: Consideration of Compensation Budget-

**Bell Road @ New Haw Creek Road Rehabilitation
Project No. 2017244**

The attached Compensation Budget is based on current ad valorem tax values and follows the MSD approved formula.

STAFF RECOMMENDATION: Approval of Compensation Budget.

COMMITTEE RECOMMENDATION:

Bell Road @ New Haw Creek Road Rehabilitation

Project Number: 2017244

Compensation Budget

18-May-22

PIN and Name		Acres	Parcel SF	Land Value	LV/SF	Net PE SF	PE Assd. Value	50% PE Assd. Value	TCE SF	TCE Assd. Value	10% Annl Return	Proj Time	TCE Rent Value	Total Comp. (Rounded)	
27 Pin	83 Pin														
	9659923464	City of Asheville	2.09	91,040.40		4,312.50			0.00	\$0.00	\$0.00	2	\$0.00		
	9659829298	Klesius	0.46	20,037.60	\$62,000.00	\$3.09	1,103.80	\$3,410.74	\$1,705.37	1,503.80	\$4,646.74	\$464.67	2	\$77.45	\$1,783
	9659920356	Rubin	0.17	7,405.20	\$54,100.00	\$7.31	2,139.10	\$15,636.82	\$7,818.41	642.70	\$4,698.14	\$469.81	2	\$78.30	\$7,897

TOTALS:	\$9,680
Staff Contingency:	\$5,000
GM's Contingency	\$5,000
Amendment	
Total Budget:	\$19,680

PIN 9659923464 belongs to the City of Asheville and MSD typically does not pay compensation to state agencies, municipalities, etc.

Metropolitan Sewerage District of Buncombe County

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SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration of Condemnation –
Caledonia Road GSR
MSD Project Number 2014153**

**Property Owner: The Residences @ Biltmore Condominium Owners' Association Inc.,
Pin 9648-62-3059**

Subject parcel is the former Biltmore Garden Apartments that is now improved with condominiums used as short-term rentals. The existing and proposed sewer lines are located in the northern area of the property. The proposed alignment results in approximately 121 less linear footage of sewer line than currently exists on the property.

A meeting was held with the President of the HOA and his main concern is the loss of rental income during construction. MSD accommodated this concern by scheduling construction to occur in January when their occupancy rate is much lower. There were also concerns regarding a future building pad located adjacent to the proposed easement. The MSD engineer worked with the owner's engineer and verified no conflict exists.

MSD's standard compensation offer is \$89,324, and the owner has not provided a compensation counteroffer to date.

Negotiations with the owner began on November 29, 2021 and have progressed slowly due to the owner's delayed meeting attempts. Staff is requesting authority to obtain an appraisal and to condemn if necessary due to the owner's unwillingness to work with us.

Contacts: 13

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation, if necessary.

COMMITTEE RECOMMENDATION:

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 5/25/2022

BOARD MEETING DATE: 6/22/2022

SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration of Condemnation –
Cherokee Road GSR
MSD Project Number 2009132**

Property Owner: R.L. Bailey, Pin 9648-62-3059

Subject parcel is improved with several buildings that are used as rentals. The existing sewer line bisects the property and is being replaced mostly in the same trench via pipe bursting. There is one building that was constructed over the existing sewer line, requiring replacement via open dig. The owner's concern is that this portion of open dig will result in the loss of two large oak trees. A design change was made by our engineer to pipe burst under the building to avoid excavation and save the two large oak trees. If the owner does not sign off accepting liability of pipe bursting under the existing building, we will have to revert back to open dig.

During a subsequent meeting the owner requested that MSD redesign the sewer to run along the edge of Cherokee Road. Our engineer advised the owner that this change will create significant depth issues and would not allow service by gravity.

MSD's standard compensation offer is \$63,348, and the owner has not provided a compensation counteroffer to date.

Negotiations with the owner began on January 4, 2022 and have stalled. Staff is requesting authority to obtain an appraisal and condemn, if necessary, due to the owner's unwillingness to work with us.

Contacts: 8

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation, if necessary.

COMMITTEE RECOMMENDATION:

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 5/25/2022

BOARD MEETING DATE: 6/22/2022

SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration of Condemnation –
Cherokee Road GSR
MSD Project Number 2009132**

Property Owner: Albemarle Park Holding Company, LLC, Pin 9649-65-4197

Subject parcel is a large tract bisected by Cherokee Road. The portion north of Cherokee Road is the site of the historic Albemarle Inn. This portion is unaffected by our project. The portion south of Cherokee Road is unimproved, used as a gravel parking lot, and will be the site of our project. The existing sewer lines bisect the property and will be replaced in the same trench by open dig. These existing sewer lines date back to 1913 and are in dire need of rehabilitation. The owner's main concern is the loss of buildable area due to the sewer easement, and he has requested a different design.

Our engineer designed a parallel sewer system that frees up buildable area, however this will add \$75,000 - \$80,000 to the project cost. As the existing location is the most feasible and the best location, we asked the owner to participate in additional costs for the requested redesign. He is unwilling to forego standard compensation of \$17,087 or participate in any way with these additional costs.

Negotiations with the owner began on January 4, 2022 and have stalled. Staff is requesting authority to obtain an appraisal and to condemn, if necessary, due to the owner's unwillingness to work with us.

Contacts: 11

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation, if necessary.

COMMITTEE RECOMMENDATION:

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

COMMITTEE MEETING DATE: 5/25/2022

BOARD MEETING DATE: 6/22/2022

SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration of Condemnation –
Cherokee Road GSR
MSD Project Number 2009132**

Property Owner: Linda D. Wayne & Gregory L. Goodman, Pin 9649-74-1784

Subject parcel is improved with a single-family residence. The sewer line runs along the northern portion of the property and is being replaced in the same trench via trenchless pipe bursting.

The owners' main concern in granting the easement is not having the ability to construct an ADU. Currently an aerial, shared, vehicular driveway and rock landscape terracing exist within the easement. It is noted these owners have, from the beginning, been unwilling to grant an easement. Whether they change their position, or MSD condemns, language will be included in the legal agreement to allow these improvements to remain.

MSD's standard compensation offer is \$5,324, and the owner has not provided a compensation counteroffer to date.

Negotiations with the owner began on January 4, 2022 and have stalled. Staff is requesting authority to obtain an appraisal and condemn, if necessary, due to the owners' unwillingness to work with us.

Contacts: 6

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation, if necessary.

COMMITTEE RECOMMENDATION:

Metropolitan Sewerage District of Buncombe County

Board Action Item - Right-of-Way Committee

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SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
Wesley Banner, Right of Way Agent
REVIEWED BY: Hunter Carson, PE, Director of Engineering

**SUBJECT: Consideration of Condemnation –
Cherokee Road GSR
MSD Project Number 2009132**

Property Owner: Andrew T. Hayes & Sean K. Hammac, Pin 9649-74-2783

Subject parcel is improved with a single-family residence. The sewer line runs along the northern portion of the property and is being replaced in the same trench via trenchless pipe bursting.

The owners' main concern in granting the easement is not having the ability to construct a footbridge. Currently an aerial, shared, vehicular driveway and rock landscape terracing exist within the easement. MSD incorporated language in the Easement Agreement to allow the existing improvements to remain, however the owner is still not willing to grant an easement.

MSD's standard compensation offer is \$4,472, and the owner has not provided a compensation counteroffer to date.

Negotiations with the owner began on January 4, 2022 and have stalled. Staff is requesting authority to obtain an appraisal and condemn, if necessary, due to the owners' unwillingness to work with us.

Contacts: 6

STAFF RECOMMENDATION: Authority to obtain appraisal and proceed with condemnation, if necessary.

COMMITTEE RECOMMENDATION:

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SUBMITTED BY: Tom Hartye, PE, General Manager
PREPARED BY: Angel Banks, Right of Way Manager
REVIEWED BY: Hunter Carson, PE, Director of Engineering

SUBJECT: Consideration of Land Purchase for assemblage with Weaverville Pump Station 2

Property Owner: Vera E. Guthrie, Pin 9721-97-3342

Owner has approached MSD for interest to purchase a subdivision lot of 0.30 acres off Canoe Lane in Woodfin; quoted price is \$35,000. This lot is contiguous to the pump station and would be useful as buffer, additional parking, and a lay-down yard. As historical background, MSD purchased an assemblage tract of 0.05 acres from same owner in 2011 for relocation of our force main.

Buncombe County's 2021 reassessed value for the subject lot is \$25,900. Lots in a neighboring subdivision of 0.13 to 0.15 acres, half the subject's size, have reassessed values of \$35,000 to \$37,200. Staff feels the owner's price of \$35,000 is reasonable for the benefits MSD would gain.

STAFF RECOMMENDATION: Authority to purchase the lot for assemblage with MSD's Weaverville Pump Station 2 site.

COMMITTEE RECOMMENDATION: