

Staff Report for Town Council



Meeting Date: January 10, 2019

18-A-19 WT Lowman Properties, LLC Annexation

Purpose: Consider adoption of resolution to set public hearing for annexation petition.

Prepared by: Wayne Nicholas, Planning and Development Services

Speaker: Wayne Nicholas, Planning and Development Services

Executive Summary: The owners of property located at 10116 Penny Road, (1,000 feet east of the Penny Road and Loch Highlands Drive intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Clerk has determined the petition to be sufficient, and Council must now consider whether to call for a public hearing on the request.

Associated Case(s): None

Recommendation: That Council adopt a resolution calling for a public hearing on **February 7, 2019**.

The documents that Council will review at this meeting are attached.

Background:

Owners of property located outside of the corporate limits of the Town that desire to develop using Town utilities or that otherwise desire to be located in the corporate limits must first petition to be annexed, pursuant to the requirements of either NCGS Chapter 160A, Article 4, Part 1, when their property is contiguous to the corporate limits, or to NCGS Chapter 160A, Article 4, Part 4, when their property is not contiguous to the corporate limits. In either case, if Council wishes to proceed with an annexation, Council must adopt a resolution calling for a public hearing on the matter.

Once property is annexed, the property and its citizens become subject to all the laws, ordinances, and regulations of the Town and are entitled to receive the services the Town provides (fire and police protection; solid waste; utilities; etc). If the annexed property is located in an area served by a rural fire department, the Town may also be required to assume a proportionate share of any debt related to equipment or facilities of the rural fire department. If the property is located outside of the Town's extraterritorial jurisdiction, the property owner must also submit a rezoning application in order to establish initial Town zoning designation upon annexation.

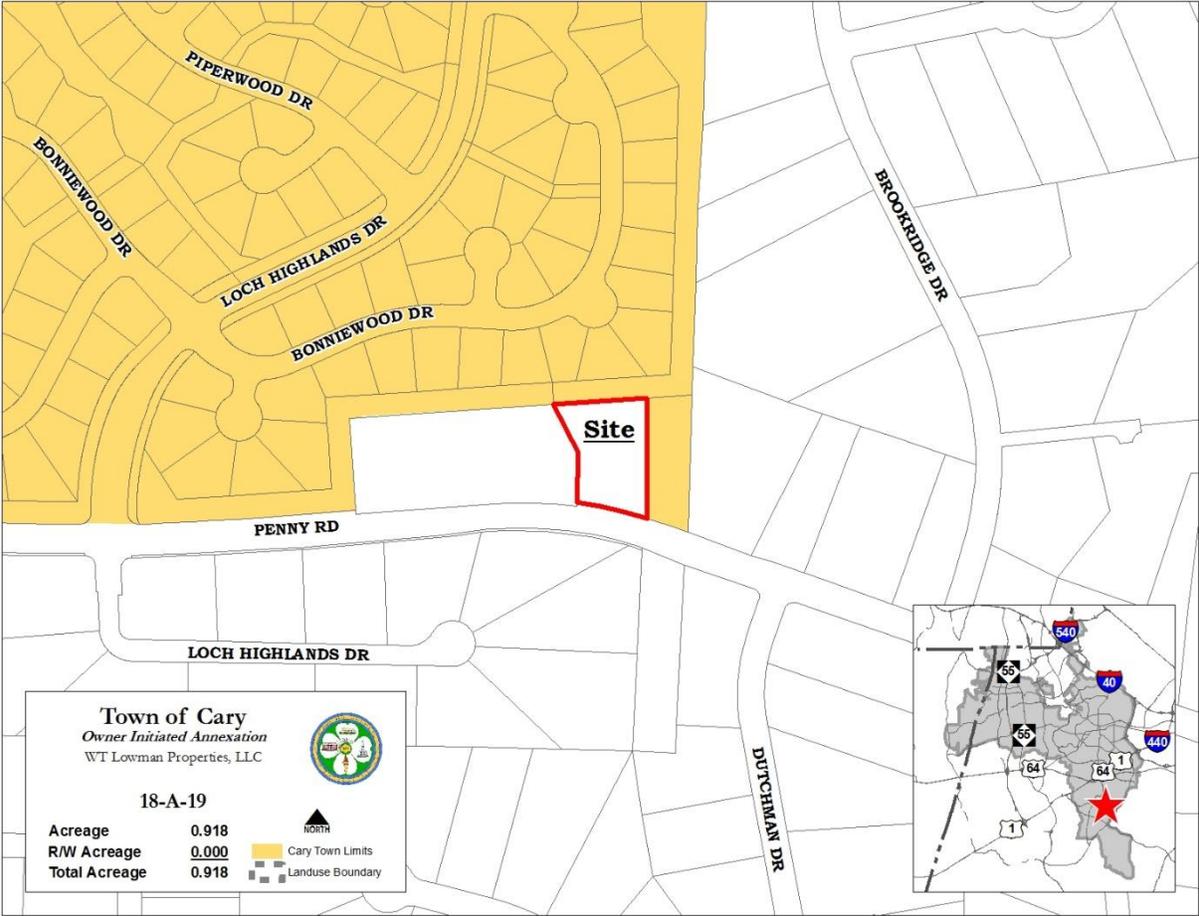
Discussion:

The owners of the following property filed an annexation petition with the Town on **December 13, 2018**.

Property Owner(s) Address List	Property Location	Wake County Parcel Number	Wake County	Acreage
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		(10-digit)	Real Estate ID	
WT Lowman Properties, LLC PO Box 5129 Cary, NC 27512	10116 Penny Road	0761744946	0170673	0.918
Adjacent Right-of-Way				0.00
Total Acres				0.918

VICINITY MAP



[Click the map to see surrounding development activity.](#)

This annexation includes a property which the owner wishes to connect to Town utilities in order to develop a detached dwelling on the site. The property is located within the Town’s extra-territorial jurisdiction (ETJ) and is zoned Residential 40. No rezoning or development plan approval is associated with this annexation. The property must be annexed into the Town prior to connecting to utilities.

As required by statute, the Town Clerk has certified that the petition is valid. The following information may be useful as Council decides whether to call for a public hearing on the requested annexation.

ZONING & PROPOSED USE:

Current Zoning: Residential 40 (R-40)

Acreage: 0.918 plus 0.0 adjacent right of way = 0.918 total acres

Contiguous to Primary Corporate Limits: Yes; 54.86% contiguous (excluding satellite town limits)

Existing Use: Vacant

Proposed Use: Detached Dwelling

UTILITIES:

Water: Adjacent to site

Sewer: 230 feet north (requires easement)

DISTRICTS & TAX VALUE:

Fire District: Fairview Fire District

Voting District: C

Tax Value: \$ 100,000

If, after the public hearing, Town Council decides to proceed with the annexation, Council will consider adopting an ordinance substantially similar to the following:

DRAFT Ordinance

18-A-19

WT Lowman Properties, LLC

**AN ORDINANCE ANNEXING LANDS CONTIGUOUS TO THE MUNICIPAL BOUNDARIES
OF THE TOWN OF CARY**

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below in Section 1 (the "Annexation Area"); and

WHEREAS, the Annexation Area is contiguous to existing Town limits; and

WHEREAS, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **January 10, 2019**, the Town Council of the Town of Cary ordered a public hearing on the question of said annexation and Notice of a Public Hearing was published as required by law, which publication may have been on the Town of Cary website; and

WHEREAS, the matter came for public hearing before the Town Council of the Town of Cary on February 7, 2019, at which time the owner of the Annexation Area and all Town residents were allowed to be heard; and

WHEREAS, the Town Council finds that the Petition above mentioned meets all the requirements of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cary, North Carolina that:

Section 1. The Annexation Area described below is hereby annexed to and made a part of the Town of Cary, effective on the date written below with a condition that the property owner connect to Town of Cary utilities based upon the Town's policy(ies) in place on the effective date of this ordinance.

ANNEXATION AREA:

Wake County Parcel Identification #0761744946

LEGAL DESCRIPTION:

Lot 1 as shown in Wake County Book of Maps 2018, Page 02170

The Annexation Area also includes all intervening streets, street rights-of-way, creeks, rivers, rights-of-way of any railroad or other public service corporation, or lands owned by the State of North Carolina or any of its political subdivisions.

Section 2. That from and after the effective date of this ordinance, the Annexation Area and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Cary, and shall be entitled to the same privileges and benefits as other parts of the Town. The Annexation Area shall be subjected to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Cary shall cause an accurate map of the newly annexed territory together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds of Wake County or Chatham County, whichever is applicable to the annexed property, and in the Office of the Secretary of State of North Carolina.

Section 4. Pursuant to G.S. 160A-22, the Town Clerk is directed to update the Official Town Map ("Map") by drawing in the territory annexed, or setting out the boundaries in a written description, or showing the current Town boundaries by a combination of these techniques.

Section 5. Pursuant to G.S. 160A-23, the boundaries of Electoral District C are hereby revised to account for and include the territory annexed, and the Official Town Map of Electoral Wards is hereby amended to include the annexed territory in the said Electoral District. A copy of the Map shall be delivered to the Wake County Board of Elections or Chatham County Board of Elections, whichever is applicable to the annexed property, as required by G.S. 163-288.1.

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