

STAFF REPORT

Town Council, June 8, 2017

16-A-09 Doris Sears Annexation

Consider action on requested annexation.

Prepared by: Wayne Nicholas, Planning

Speaker: Wayne Nicholas, Planning

Recommendation: That Council consider action on the requested annexation.

Executive Summary: The owners of property located at 4429 N.C. 55 Highway (350 feet NW of McCrimmon Parkway and N.C. 55 Highway intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council held a public hearing on this request and the matter is now ready for final action.

Associated Case(s): 16-SP-038 (Sears Tract Multi-Family); 16-SP-030 (N.C. 55 Highway Grocery Store) Development Plan

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, council must conduct a public hearing on the annexation request prior to taking action. At the public hearing on a request for contiguous annexation, such as this, the owner may speak and allege that the Petition contains an error, and any Town resident may speak and question the necessity for the annexation.

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 **4/27/2016**

OWNER(S) AND PARCEL INFORMATION:

| Property Owner(s) Address List | Property Location | Parcel Number (10-digit) | Real Estate ID | Deeded Acreage |
|--|------------------------------|---|---------------------------|---------------------------|
| Doris Sears 17001 Searstone Drive, Apt. 201 Cary, NC 27513 | 4429 N.C. 55 Highway | 0735478579 | 0063084 | 20.73 |
| Stephanie Sears Yates 106 Glen Abbey Drive Cary, NC 27513 | | | | |
| Vickie Sears Ryals 5426 Brushy Meadows Drive Fuquay-Varina, NC 27526 | | | | |
| | Total Deeded Acres | | | 20.73 |

As required by statute, the Town Clerk has certified that the Petition is valid. The Town Council adopted a Resolution calling for the public hearing, which was held on 7/25/2016.

The following information may be useful as council decides whether to grant the requested annexation.

ZONING & PROPOSED USE:

Current Zoning: R-40, within the Mixed Use Overlay District

Acreage: 20.73 plus 0.0 adjacent right of way = 20.73 total acres

Contiguous to Primary Corporate Limits: Yes; 85% (excluding satellite town limits)

Existing Use: Residential

Proposed Use: Mixed Use (Residential and Commercial)

UTILITIES:

Water: Adjacent to site

Sewer: 670 feet E

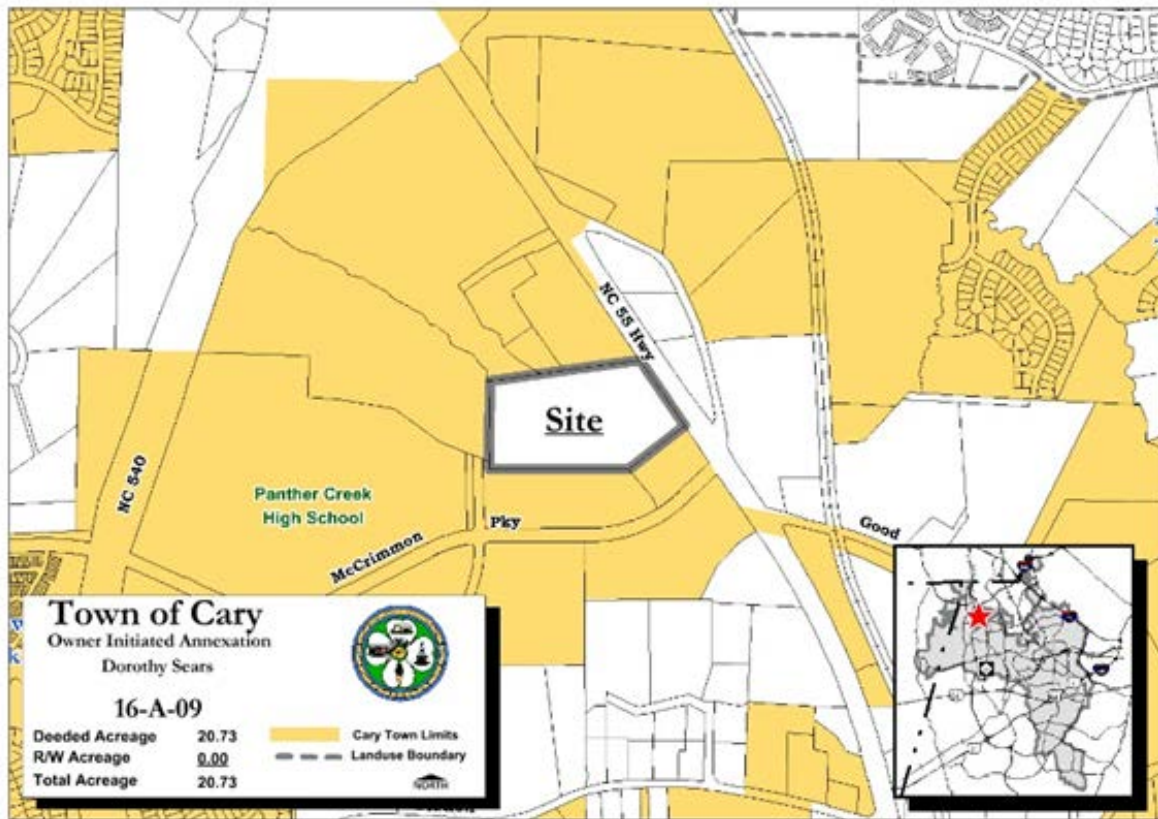
DISTRICTS & TAX VALUE:

Fire District: Morrisville Fire District

Voting District: A

Tax Value: \$4,261,868

VICINITY MAP



Submitted electronically by Town of Cary Planning Department in compliance with North Carolina statutes governing recordable documents and the terms of the Submitter Agreement with the Wake County Register of Deeds. GS 47-14 (al) (5)

Please return to: Administrative Staff, Cary Planning Department, P.O. Box 8005, Cary, NC 27512-8005

16-A-09
Doris Sears

**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 **6/27/2016**, 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 7/25/2016, 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:

Parcel Identification #0735478579;

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 County 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 A 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 Board of Elections as required by G.S. 163-288.1.

Adopted this the 8 day of June, 2017.

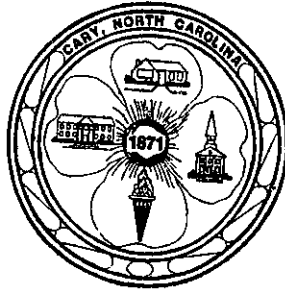

Harold Weinbrecht, Jr., Mayor

CERTIFICATION

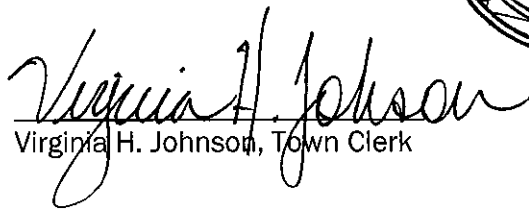
I, Virginia H. Johnson, Town Clerk of the Town of Cary, North Carolina, do hereby certify the foregoing to be true copy of an ordinance duly adopted at the meeting of the Town Council held on 6/01/2017.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Town of Cary to be affixed this 6/01/2017.

(Seal)



ATTEST:


Virginia H. Johnson, Town Clerk