

Staff Report for Town Council



Meeting Date: November 10, 2016

16-A-15 Bost Construction Company Annexation (Certificate of Sufficiency and Resolution Calling for Public Hearing)

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

Prepared by: Wayne Nicholas, Planning

Speaker: Wayne Nicholas, Planning

Recommendation: Staff recommends adoption of a certificate of sufficiency and resolution calling for a public hearing on **12/8/2016**.

Executive Summary: Consideration of adopting a certificate of sufficiency and resolution calling for a public hearing on owner-initiated annexation 16-A-15, located at 10108 Penny Road (Portion), (600 feet NW of Penny Road and Brookridge Drive intersection). Associated Case(s): **Rezoning 16-REZ-27** (10108 Penny Road)

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

OWNER(S) AND PARCEL INFORMATION:

Property Owner(s) Address List	Property Location	Wake County Parcel Number (10-digit)	Wake County Real Estate ID	Deeded Acreage
Bost Construction Company 1941 Evans Road Cary, NC 27513	10108 Penny Road (Portion)	0761745911 (Portion)	0170673 (Portion)	0.62
			Total Deeded Acres	0.62

PETITION DATE: 8/10/2016

ZONING & PROPOSED USE:

Current Zoning: Residential 40 (R-40)

Acreage: 0.62 plus 0 adjacent right of way = 0.62 total acres

Contiguous to Primary Corporate Limits: Yes; 13% contiguous (excluding satellite town limits)

Existing Use: Vacant

Proposed Use: Detached dwelling

UTILITIES:

Water: Adjacent to site

Sewer: 200 feet N

DISTRICTS & TAX VALUE:

Fire District: Fairview Fire District

Voting District: C

Tax Value: \$145,900 (entire property)

DRAFT Ordinance

16-A-15

Bost Construction Company

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

WHEREAS, on **8/10/2016**, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below:

Bost Construction Company

Wake County Parcel Identification Number **0761745911 (Portion)** including **0.62** acres, plus **0** acres of adjacent right-of-way; and

WHEREAS, the above described are contiguous to existing Town limits; and

WHEREAS, on **11/10/2016**, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **11/10/2016**, 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; and

WHEREAS, the matter came for public hearing before the Town Council of the Town of Cary on **12/8/2016**, at which time all persons opposed and all persons in favor of said annexation were allowed to be heard; and

WHEREAS, 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 area described in the petition and depicted on the map (which is on file in the Planning Department), is hereby annexed to and made a part of the Town of Cary, effective on _____ with a condition that the property owner connect to the Town of Cary sewer/water line based upon the Town's policy(ies) in place on the effective date of this ordinance.

LEGAL DESCRIPTION

Wake County Parcel Identification #0761745911 (Portion)

METES AND BOUNDS:

Being all of that certain property, situate, lying and being in Swift Creek Township, Wake County, North Carolina, described as follows:

BEGINNING at a point in the northern right of way line of North Carolina State Road 1379, said point marking the Southeasternmost corner of Tract B as the same is shown on a survey by Runa A. Cooper dated November 30, 1987 entitled "Subdivision Plat – Tracts A and B Property of Lochmere Highlands Partners, Cary, Wake County, North Carolina" recorded in Book of Maps 1987 Page 2057 Wake County Registry; runs thence from that beginning point and with the north right of way line of N.C.S.R. 1379 (Penny Road) and in a northwesterly direction North 71 degrees 18 minutes 11 seconds West 47.41 feet to a point; runs thence, continuing with the north right of way line of N.C.S.R. 1379 North 72 degrees 29 minutes 15 seconds West 47.29 feet to a point; runs thence, leaving the north right of way line of N.C.S.R. 1379 North 0 degrees 29 minutes 36 seconds West 266.30 feet to a point; runs thence, North 86 degrees 8 minutes 58 seconds East 102.08 feet to a point; runs thence, South 1 degree 48 minutes 24 seconds West 302.72 feet to the point and place of BEGINNING and being the eastern portion of the tract of land designated as Tract B on the map recorded in Book of Maps 1987 Page 2057 Wake County Registry and containing 0.6268 acres according to a survey and map entitled 'Annexation Plat – portion of 10108 Penny Road for Bost Construction Company' prepared by Ward Surveying Services, PLLC and dated July 25, 2016.

Section 2. That from and after the effective date of this ordinance, the territory 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 municipality. Said annexed territory 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 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 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. Such a map shall also be delivered to the Wake County Board of Elections as required by G.S. 163-288.1.

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.

VICINITY MAP

