

## Staff Report for Town Council

**Meeting Date:** June 14, 2018



### **18-A-07 3500 Arthur Pierce, LLC and Swicegood Annexation**

**Purpose:** Conduct public hearing and defer action on requested annexation to a future council meeting.

**Prepared by:** Wayne Nicholas, Planning

**Speaker:** Scott Ramage, Planning

**Executive Summary:** The owners of property located at 3401 and 3433 Arthur Pierce Road and unaddressed property on Arthur Pierce Road have petitioned for annexation of the property. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

**Associated Case(s):** Rezoning 18-REZ-07 (Arthur Pierce Road North)

**Recommendation:** That Council conduct a public hearing and defer action on requested annexation to a future council meeting to allow final vote on the annexation to coincide with the final action on the associated rezoning 18-REZ-07 (Arthur Pierce Road North).

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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. 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 **2/23/2018**

**OWNER(S) AND PARCEL INFORMATION:**

Property Owner(s) Address List	Property Location	Wake County Parcel Number (10-digit)	Wake County Real Estate ID	Acreage
3500 Arthur Pierce, LLC 3308 Glenhope Court Cary, NC 27511-3897	3401 Arthur Pierce Road	0760371905	0037055	21.485
	0 Arthur Pierce Road	0760373203	0037054	
H Arthur, Jr. and Marie Swicegood 3433 Arthur Pierce Road Apex, NC 27539-9132	3433 Arthur Pierce Road	0760374523	0115192	
	Adjacent Right of Way			1.17
	Total Acres			22.655



**ZONING & PROPOSED USE:**

**Current Zoning:** Wake County Residential 30 (R-30)

**Acreage:** 21.485 plus 1.17 adjacent right of way = 22.655 total acres

**Contiguous to Primary Corporate Limits:** Yes; 59.8 % (excluding satellite town limits)

**Existing Use:** Detached Dwelling and Agriculture

**Proposed Use:** Residential (Subdivision)

**UTILITIES:**

Wake County Real Estate ID	Water	Sewer
0037055	Adjacent to site	Adjacent to site
0037054	1,200 feet NW	Adjacent to site
0115192	1,000 feet NW	700 feet NE

**DISTRICTS & TAX VALUE:**

**Fire District:** Fairview Fire District

**Voting District:** C

**Tax Value:** \$913,814

**DRAFT  
Ordinance**

**18-A-07  
3500 Arthur Pierce, LLC and Swicegood**

**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 5/3/2018, 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 6/14/2018, 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 #0760371905; 0760373203; 0760374523;

**Legal Description**

Beginning At a point, said point being the Northeastern most corner having NC Grid Coordinates of N(y): 708,287.39', E(x): 2,063,634.05', NAD 83(2011), Thence Thence S 03°21'50" W A Distance Of 671.70' to an axle, Thence S 03°01'14" W A Distance Of 128.46' to an iron pipe, Thence S00°42'43" W A Distance Of 404.40' to a bent iron pipe, Thence N 83°42'59" W A Distance Of 135.81' to an existing iron pipe, Thence S 09°39'00" W A Distance Of 246.07' to an existing iron pipe located on the northern right of way of Arthur Pierce Road, Thence S09°39'00" W A Distance Of 42.68' to a point in the centerline of said road, Thence along said centerline the following bearings and distances: N 35°00'55" W A Distance Of 249.60', Thence N 35°02'58" W A Distance Of 189.96', Thence N 34°45'02" W A Distance Of 237.04', Thence N 34°51'00" W A Distance Of 174.62', Thence N 34°36'46" W A Distance Of 70.65', Thence N 34°47'17" W A Distance Of 75.49', Thence N 34°18'02" W A Distance Of 63.87', Thence N 32°09'00" W A Distance Of 57.83', Thence N 30°13'34" W A Distance Of 57.77', Thence N 28°08'44" W A Distance Of 32.29', Thence N 28°06'23" W A Distance Of 26.37', Thence N 27°15'29" W A Distance Of 56.94', Thence N 27°46'33" W A Distance Of 58.00', Thence N 29°49'54" W A Distance Of 58.19', Thence N 34°17'52" W A Distance Of 58.56', Thence N 39°44'57" W A Distance Of 58.12', Thence N 44°38'40" W A Distance Of 59.96', Thence N 48°14'04" W A Distance Of 59.60', Thence N 50°11'06" W A Distance Of 55.27', Thence N 50°51'17" W A Distance Of 54.92', Thence N 49°28'45" W A Distance Of 58.46', Thence N 49°40'17" W A Distance Of 17.88', Thence leaving the centerline of said right of way S 82°33'13" E A Distance Of 547.87' to an existing iron pipe, Thence N 75°26'47" E A Distance Of 310.87' to an existing iron pipe, Thence S 03°21'07" W A Distance Of 124.96' to an existing iron pipe, Thence N 75°26'54" E A Distance Of 485.79' to an existing iron pipe, being the point and place of Beginning, Containing 21.485 Acres as shown on a survey prepared by Cawthorne, Moss & Panciera, PC, Dated February 14, 2018.

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. The annexation includes 1.17 acres of adjacent right-of-way.

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.