

Staff Report for Town Council



Meeting Date: July 26, 2018

18-A-09 Batchelor Road and Pine Rail Lane Properties Annexation

Purpose: Conduct public hearing and defer action on requested annexation to allow final vote to coincide with final action on associated rezoning.

Prepared by: Wayne Nicholas, Planning

Speaker: Wayne Nicholas, Planning

Executive Summary: The owners of property located at 1220 and unaddressed property on Batchelor Road; 4312 Jacobs Creek Lane; 4204 and unaddressed property on Pine Rail Lane; and unaddressed property on White Oak Church Road (east of Batchelor Road and west of the American Tobacco Trail) 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-09 (Batchelor Road Assemblage)

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-09 (Batchelor Road Assemblage).

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.

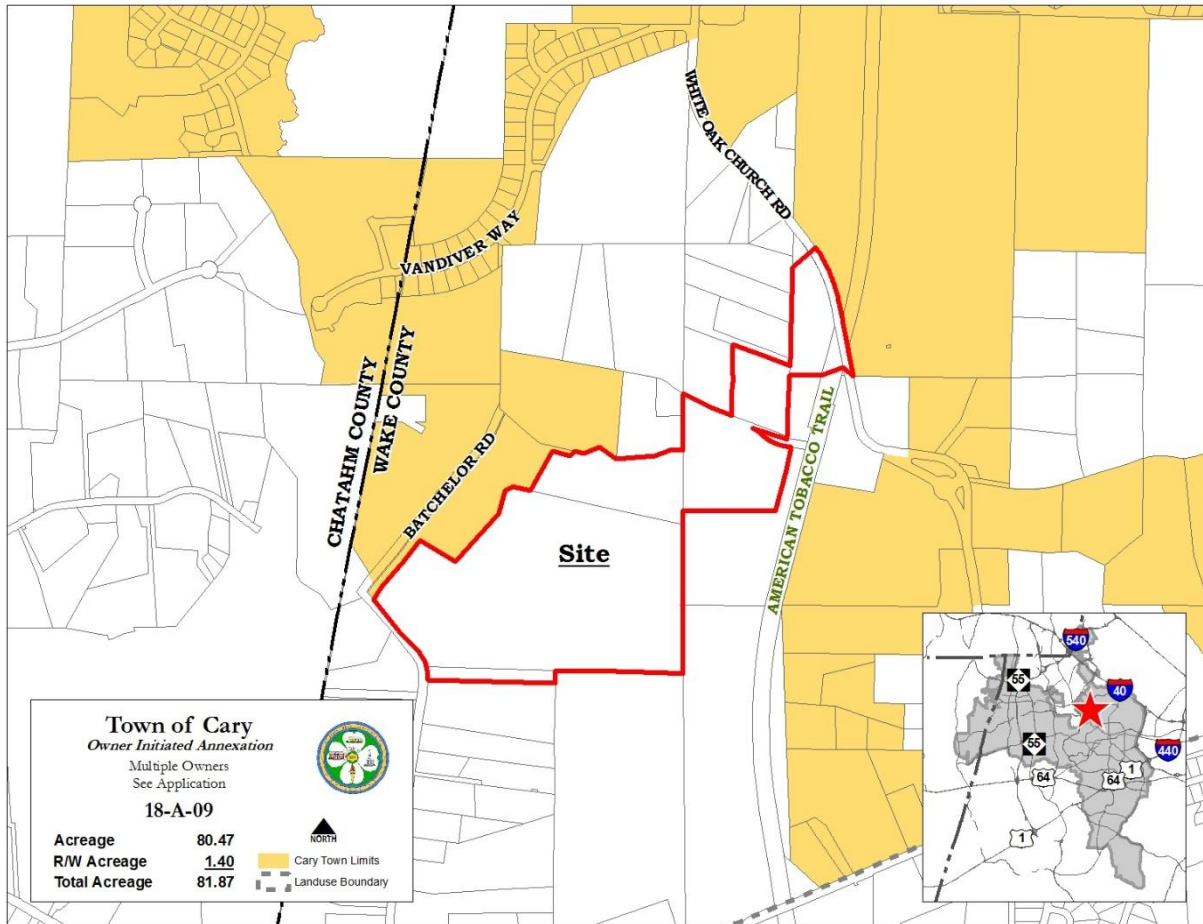
Discussion:

The owners of the following property filed an annexation petition with the Town on **4/19/2018**

OWNER(S) AND PARCEL INFORMATION:

Property Owner(s) Address List	Property Location	Wake County Parcel Number (10-digit)	Wake County Real Estate ID	Acreage
Kathleen W. Batchelor, Gladys B. Logan, Grady Lee Batchelor 4201 Green Level West Road Apex, NC 27523	Unaddressed property on Batchelor Road	0723181768	0004943	48.65
Steve Douglas & Gladys B. Logan 733 New Hill Olive Chapel Road Apex, NC 27502-9596	1220 Batchelor Road	0723085111	0427479	1.94
Linda C. Jacobs 1240 Batchelor Road Apex, NC 27523-5730	4312 Jacobs Creek Lane	0723194404	0143550	8.98
Reddy & Pyreddy, LLC 123 Preston Grande Way Morrisville, NC 27560-7073	Unaddressed Property on Pine Rail Lane	0723291692	0310491	10.92
Wilton & Sandra H Williams 4204 Pine Rail Lane Apex, NC 27523-8272	4204 Pine Rail Lane	0724204109	0107996	4.68
Gerald Ray & Sandra M Harris 2010 Laura Duncan Road Apex, NC 27523-9267	Unaddressed Property on White Oak Church Road	0724207664	0111086	5.30
			Adjacent Right-of-Way	1.40
			Total Acres	81.87

VICINITY MAP



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

This annexation is associated with a proposed rezoning (case 18-REZ-09) to apply initial Town of Cary zoning to the subject properties, which are located outside of the Town's extra-territorial jurisdiction (ETJ) and currently have a Wake County zoning designation of R-40W. Based on Wake County tax records, two of the properties each contain a dwelling, three are currently vacant and one is used for agricultural purposes. The associated rezoning case proposes to increase the permitted residential density for the properties and allow for the development of age-restricted detached dwellings and townhomes. In order to develop under Cary's zoning regulations, the properties must be annexed into Cary's corporate limits. As part of annexation into the Town, a Cary zoning designation must also be applied to the properties.

As required by statute, the Town Clerk has certified that the Petition is valid. On **6/28/2018**, the Town Council adopted a Resolution calling for the public hearing to be held on **7/26/2018**.

The following information may inform Council's decisions on this matter.

ZONING & PROPOSED USE:

Current Zoning: Wake County Residential 40 Watershed (R-40W)

Acreage: 80.47 plus 1.4 adjacent right of way = 81.87 total acres

Contiguous to Primary Corporate Limits: Yes; 26.5% contiguous (excluding satellite town limits)

Existing Use: Residential, Agriculture and Vacant

Proposed Use: Residential

UTILITIES:

Water: 1,000 feet southeast (White Oak Church Road)

Sewer: 500 feet northwest (from western boundary of REID 0004943)

DISTRICTS & TAX VALUE:

Wake County Real Estate ID	Fire District
0004943	Apex
0427479	Apex
0143550	Apex
0310491	Morrisville
0107996	Morrisville
0111086	Morrisville

Voting District: A

Tax Value: \$2,895,478.

DRAFT Ordinance

18-A-09

Kathleen W. Batchelor, Gladys B. Logan, Grady Lee Batchelor; Steve Douglas & Gladys B. Logan; Linda C. Jacobs; Reddy & Pyreddy, LLC; Wilton & Sandra H. Williams; Gerald Ray & Sandra M. Harris

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 **6/28/2018**, 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 **7/26/2018**, 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 #**0723181768; 0723085111; 0723194404; 0723291692; 0724204109; 0724207664**

LEGAL DESCRIPTION:

Tract 3 per Attached Exhibit

Beginning at a point having NAD'83 (2011) NC State Plane Coordinates of N 739173.0687, E 2021859.4733; Being the Point of Beginning for Tract 3, thence running the following courses:

N77°22'50"W, 1104.57';

N29°35'52"E, 317.45';

S77°00'45"E, 129.45';

N43°54'15"E, 42.69';

S77°15'44"E, 64.32';

N70°21'31"E, 118.70';

S55°40'27"E, 144.99';

N85°56'00"E, 263.36';

N68°37'00"E, 117.86';

S89°58'15"E, 102.82';

S00°28'53"W, 413.09';

S00°22'49"W, 111.55';

To a point, being the Point of Beginning; Said parcel measuring and containing 390981 square feet, 8.98 acres, more or less, and is the same parcel as shown hereon.

Tract 4 per Attached Exhibit

Beginning at a point having NAD'83 (2011) NC State Plane Coordinates of N 739284.6121, E 2021860.2136; Being the Point of Beginning for Tract 4, thence running the following courses:

N00°28'53"E, 413.09';

N00°20'57"E, 352.89';

N00°20'57"E, 32.05';

S69°01'40"E, 171.60';

S68°58'53"E, 178.64';

S69°04'40"E, 199.36';

S69°01'40"E, 233.02';

S01°48'48"W, 11.55';

S80°49'00"E, 46.76';

S14°21'48"W, 61.71';

S14°21'48"W, 458.83';

N89°31'44"W, 653.28';

To a point, being the Point of Beginning; Said parcel measuring and containing 475832 square feet, 10.92 acres, more or less, and is the same parcel as shown hereon.

Tract 5-A per Attached Exhibit

Beginning at a point having NAD'83 (2011) NC State Plane Coordinates of N 740553.9105, E 2022928.6943; Being the Point of Beginning for Tract 5-A, thence running the following courses:

S14°54'15"W, 335.12';

N89°25'07"W, 232.10';

N01°46'58"E, 70.29'

N01°54'06"E, 688.83';

N49°22'01"E, 161.81';

S36°48'57"E, 111.92';

S25°49'46"E, 92.23';

S14°50'31"E, 79.07';

S08°47'34"E, 97.15';

S08°06'03"E, 199.32' to a point, being the Point of Beginning;

Said parcel measuring and containing 213502 square feet, 4.90 acres, more or less, and is the same parcel as shown hereon.

Tract 5-B, Right-of-Way per Attached Exhibit

Beginning at a point of having NAD'83 (2011) NC State Plane Coordinates of N 740553.9105, E 2022928.6943; Being the Point of Beginning for Tract 5-B, a right-of-way tract, thence running the following courses:

N08°06'03"W, 199.32';

N08°47'34"W, 97.15';

N14°50'31"W, 79.07';

N25°49'46"W, 92.23';

N36°48'57"W, 111.92';

N49°22'01"E, 30.07';

S36°48'57"E, 116.81';

S25°49'46"E, 98.00';

S14°50'31"E, 82.94';

S11°04'26"E, 207.97';

S15°18'13"W, 99.50' to a point, being the Point of Beginning;

Said parcel measuring and containing 17629 square feet, 0.40 acres, more or less, and is the same parcel as shown hereon.

Tract 6 per Attached Exhibit

Beginning at a point having NAD'83 (2011) NC State Plane Coordinates of N 739802.5137, E 2022596.8051; Being the Point of Beginning for Tract 6, thence running the following courses:

N69°01'40"W, 233.02';

N69°04'10"W, 199.36';

N01°55'23"E, 220.01';

N15°21'27"E, 40.94';

N11°24'32"W, 41.25';

N01°50'27"E, 200.37';

S68°54'35"E, 200.03';

S69°07'25"E, 231.67';

S01°46'58"W, 70.29';

S01°48'48"W, 430.12' to a point, being the Point of Beginning;

Said parcel measuring and containing 203744 square feet, 4.68 acres, more or less, and is the same parcel as shown hereon.

Tract7-A per Attached Exhibit

Beginning to a point having NAD'83 (2011) NC State Plane Coordinates of N 738176.7780, E 2020019.4948; Being the Point of Beginning for Tract 7-A, thence running the following courses:

Along a curve to the left with an arc length of 37.29', a radius of 594.78', a chord bearing of N18°02'09"W, a chord length of 37.28';

Along a curve to the left with an arc length of 171.32', a radius of 453.71', a chord bearing of N30°38'59"W, a chord length of 170.31';

N41°28'59"W, 118.09';

N42°12'48"W, 268.74';

N35°41'55"E, 122.80';

N40°21'46"E, 230.82';

N38°25'40"E, 186.40';

S59°05'55"E, 293.19';

N42°24'31"E, 457.52';

N13°59'31"E, 167.37';

N66°44'49"E, 62.76';

S77°19'03"E, 127.17';

S77°22'44"E, 1104.47';

S00°30'13"W, 557.50';

S00°51'58"E, 463.15';

N89°12'48"W, 909.69';

N89°16'03"W, 902.98';

N89°30'49"W, 29.57' to a point, being the Point of Beginning;

Said parcel measuring and containing 2119115 square feet, 48.65 acres, more or less, and is the same parcel as shown hereon.

Tract 8-A per Attached Exhibit

Beginning at a point having NAD'83 (2011) NC State Plane Coordinates of N 738085.0357, E 2020038.5307; Being the Point of Beginning for Tract 8-A, thence running along the following courses: Along a curve to the left with an arc length of 93.79', a radius of 594.78', a chord bearing of N11°43'20"W, a chord length of 93.70';

S89°30'49"E, 29.57';

S89°16'03"E, 902.98';

S00°10'49"W, 91.58';

N89°16'13W, 913.12' to a point, being the Point of Beginning;

Said parcel measuring and containing 84417 square feet, 1.94 acres, more or less, and is the same parcel as shown hereon.

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 1.40 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 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 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.