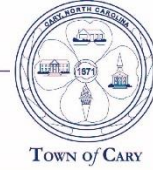


Staff Report for Town Council



Meeting Date: July 26, 2018

18-A-04 Camp Branch Farms, LLC 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 8732 Pierce Olive Road (East side of Pierce Olive Road, approximately 3,200 feet south of Pierce Olive Road and Holly Springs Road intersection) have petitioned for annexation of a portion 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-03 (Camp Branch Farms Property)

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-03 (Camp Branch Farms Property).

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 non-contiguous annexation, such as this, any property owner or resident of the annexation area and any Town resident may speak as to the sufficiency of the petition and the desirability of 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.

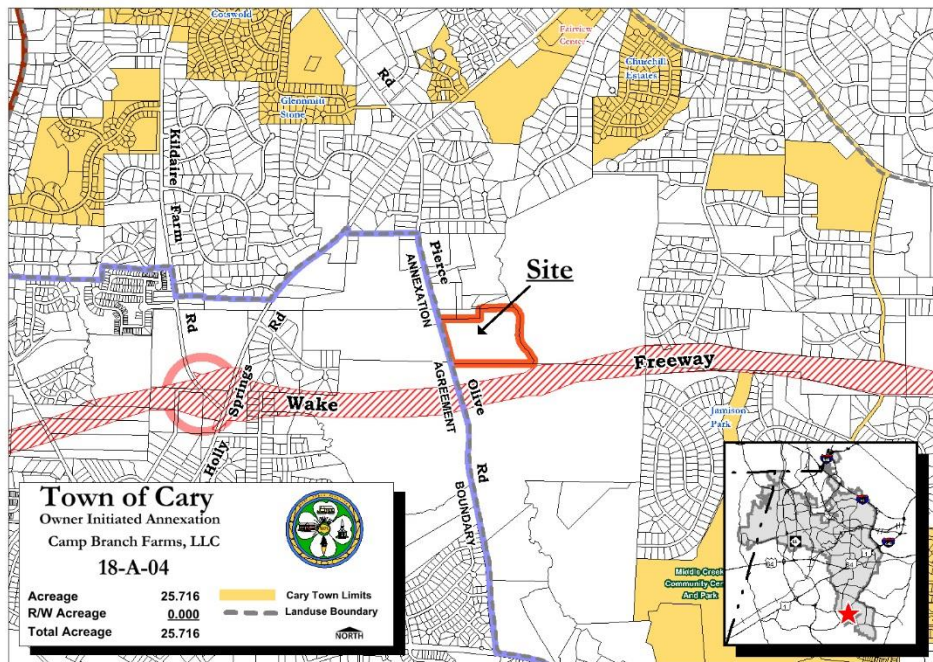
Discussion:

The owners of the following property filed an annexation petition with the Town on 1/25/2018

OWNER(S) AND PARCEL INFORMATION:

Property Owner(s) Address List	Property Location	Wake County Parcel Number (10-digit)	Wake County Real Estate ID	Acreage
Camp Branch Farms, LLC 8524 Pierce Olive Road Apex, NC 27539	8732 Pierce Olive Road	0760410884 (Portion)	0055466 (Portion)	25.716 (out of 75.46 total acres)
			Total Acres	25.716

VICINITY MAP



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

This annexation is associated with a proposed rezoning (case 18-REZ-03) to apply initial Town of Cary zoning to the property. The subject site is located outside of the Town's extra-territorial jurisdiction (ETJ) and currently has a Wake County zoning designation of Residential 30. The subject site is a portion of a larger property that lies on both the east and west sides of Pierce Olive Road. There is currently an Annexation Agreement between the Towns of Cary and Holly Springs, with Pierce Olive Road serving as the boundary between the two jurisdictions in this area (as shown on the above map). Due to this boundary, only the portion of the property on the east side of Pierce Olive Road is eligible for annexation into Cary. Based on Wake County tax records, the property is currently used for agricultural purposes. The associated rezoning case proposes to rezone this portion of the property to allow for the development of detached dwellings and townhomes. In order to develop under Cary's zoning regulations, the property 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 property.

As required by statute, the Town Clerk has certified that the Petition is valid and that the area to be annexed meets the following criteria: (1) the nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the Town; (2) no point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of the Town; (3) the annexation area is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; (4) if the annexation area, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision is included; and (5) the annexation area, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town.

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 30 (R-30)

Acreage: 25.716 plus 0 adjacent right of way = 25.716 total acres

Contiguous to Primary Corporate Limits: No; 0% Contiguous (excluding satellite town limits)

Existing Use: Vacant; Agriculture

Proposed Use: Residential

Active Associated Case(s): 18-REZ-03 (Camp Branch Farms Property) Rezoning

UTILITIES:

Water: 3,400 feet north

Sewer: 400 feet east

DISTRICTS & TAX VALUE:

Fire District: Fairview

Voting District: C

Tax Value: \$5,672,039 (entire property)

DRAFT Ordinance

18-A-04

Camp Branch Farms, LLC

**AN ORDINANCE ANNEXING LANDS NOT CONTIGUOUS TO THE MUNICIPAL BOUNDARIES
OF THE TOWN OF CARY**

WHEREAS, the Town Council has been petitioned under G.S. 160A-58.1 to annex the area described below in Section 1 (the "Annexation Area"); and

WHEREAS, the Annexation Area is not 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 Annexation Area meets all the requirements of G.S. 160A-58.1(b); specifically, that (1) the nearest point on the proposed satellite corporate limits is not more than three miles from the primary corporate limits of the Town; (2) no point on the proposed satellite corporate limits is closer to the primary corporate limits of another

city than to the primary corporate limits of the Town; (3) the Annexation Area is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits; (4) if the Annexation Area, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision is included; and (5) the Annexation Area, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town.

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 Parcel Identification #**0760410884 (Portion)**;

METES AND BOUNDS:

All that Tract or Parcel of land situated in Swift Creek Township, Wake County, North Carolina, more particularly described using NC NAD '83/ 2011 adjusted coordinates, bearings and ground distances (combined scale factor = 0.99988525) as follows:

Commencing at Spike #2, set in the north edge of pavement of the driveway for 8717 Pierce Olive Road, State Road 1389, whose coordinates are N 702326.693

E 2064952.780; thence S17°32'08"E 172.63 feet to an iron pipe found at the eastern right of way of State Road 1389, Pierce Olive Road and the northwest corner of that part of

PIN 0760-41-0884 that is east of the centerline of SR1389, Pierce Olive Road, the **POINT OF BEGINNING**; thence along the northern line of PIN 0760-41-0884, N89°32'07"E 675.08 feet to an iron pipe found; thence N0°07'44"E 175.46 feet to an iron pipe found at the southeast corner of a 30 foot Private Easement, as found in Book of Maps 1984 Page 1701 and the southwest corner of PIN 0760-52-9474; thence N89°25'29"E 564.81 feet to an iron pipe found at

the high bank of Camp Branch (Basin 22, Stream 7); thence N89°36'49"E 22.76 feet to the Thread of Camp Branch; thence along the Thread of Camp Branch the following 35 courses;

thence S70°30'59"E 38.35 feet to a point; thence S57°36'47"E 46.97 feet to a point;

thence S17°23'12"E 56.72 feet to a point; thence S20°37'50"E 47.45 feet to a point; thence S12°28'51"E 33.90 feet to a point; thence S01°46'10"E 44.34 feet to a point; thence S62°31'09"W 21.98 feet to a point; thence S03°48'36"W 60.03 feet to a point; thence S00°20'21"W 61.57 feet to a point; thence S00°44'08"E 33.68 feet to a point; thence S04°15'26"E 36.27 feet to a point; thence S10°16'18"E 43.82 feet to a point; thence S08°09'19"W 58.16 feet to a point; thence S20°33'35"E 22.37 feet to a point at the cut line for an high power electrical transmission line with an unknown easement width; thence S20°33'35"E 20.41 feet to a point; thence S20°51'11"E 61.34 feet to the southern cut line for an high power electrical transmission line with an unknown easement width;

thence S28°05'35"E 42.31 feet to a point; thence S40°30'29"E 40.97 feet to a point; thence S53°36'10"E 80.39 feet to a point; thence S37°10'34"E 42.23 feet to a point; thence S26°27'20"E 72.69 feet to a point; thence S31°27'57"E 16.68 feet to a point; thence S48°13'35"E 12.91 feet to a point; thence N73°50'11"E 19.45 feet to a point; thence N60°42'27"E 26.55 feet to a point; thence S78°27'40"E 8.63 feet to a point;

thence S62°54'18"E 34.82 feet to a point; thence S48°56'42"E 25.63 feet to a point; thence S41°08'03"W 9.93 feet to a point; thence S79°45'32"W 56.64 feet to a point; thence S60°53'49"W 22.44 feet to a point; thence S10°45'01"W 19.55 feet to a point; thence S42°29'47"E 20.12 feet to a point; thence N67°45'37"E 18.16 feet to a point; thence S58°05'58"E 41.82 feet to a point; thence leaving the Thread of Camp Branch to the high bank of Camp Branch and along the southern line of PIN 0760-41-0884, N88°57'31"W 53.66 feet to an iron pipe set; thence N88°57'31"W 1409.57 feet to an iron pipe set at the eastern right of way of State Road 1389, Pierce Olive Road; thence along the eastern right of way of State Road 1389, Pierce Olive Road N15°53'00"W 16.89 feet to an iron pipe set; thence N15°27'35"W 41.22 feet to an iron pipe set; thence N15°41'15"W 125.97 feet to an iron pipe set; thence N15°28'38"W 120.10 feet to an iron pipe set; thence N15°17'46"W 345.45 feet to an iron pipe set; thence N15°39'03"W 109.40 feet an iron pipe found, the northwest corner of that part of

PIN 0760-41-0884 that is east of the centerline of SR1389, Pierce Olive Road, the **POINT OF BEGINNING**, containing 1,120,197 square feet or 25.716 acres out of PIN 0760-41-0884, according to a map entitled "M.I. HOMES - PIERCE OLIVE ROAD", prepared by WithersRavenel, dated 3/8/2018.

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.