

Town of Cary

Comprehensive Annexation Program

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Comprehensive Annexation Program

I. Introduction

It is the Town of Cary's goal to establish a comprehensive annexation program that guides future annexation decisions and provides for an orderly and predictable extension of our municipal boundaries. The Town also desires to inform residents and property owners impacted by future annexation of the implications of annexation, the costs and benefits and what to expect in the process.

Specifically, the Town of Cary's comprehensive annexation program seeks to establish annexation policies and evaluation criteria to objectively identify which properties are appropriate to annex and why. The program addresses both citizen-initiated annexation (heretofore referred to as *voluntary* annexation) and Town-initiated annexation (heretofore referred to as *involuntary* annexation), including establishing a process where areas for Town-initiated annexations are considered on a two-year cycle. A comprehensive public information element is included to ensure ample notice of possible annexation and raise awareness and understanding of the important details of annexation.

While not required by State law, this new program has been developed to help potential annexes as well as existing Cary citizens understand the various aspects of annexation. This document contains key information about annexation and establishes policies and criteria that will guide future annexation decisions. Please note that is a policy document and does not grant any procedural rights. In other words, this document is a guide to assist in making annexation decisions; any deviation from this document would not be a basis for challenging annexation ordinances in the future.

The Town of Cary's comprehensive annexation program will apply to all properties within Cary's urban services area as designated on our current Land Use Plan. The policies and criteria included in this document were used to identify the annexation study areas and establish a phasing plan with associated timeframes for annexation of the areas. This phasing plan designates areas by the potential for annexation within a certain time period (e.g. 2007-2011, 2012-2016, beyond 2016). Property owners within these areas must note that this is a general estimate and is subject to change.

A **map** is provided that identifies the annexation study areas and the time-periods for annexation. Annexation study areas that were identified primarily consist of unincorporated areas that qualify for annexation and may be considered for Town-initiated annexation sometime in the future. This map will be used by staff as a guide in selecting areas that will be presented to Council for potential Town-initiated annexation during each even-calendar year (e.g. 2006, 2008). Staff will also present preliminary budget impacts for each recommended qualifying area. Council will decide every even year whether or not to pursue any or all of the areas recommended by staff. Once Council decides which, if any, areas to pursue for annexation, the staff will begin the official process for Town-initiated annexation as required by State law.

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This document was produced by Town staff using feedback from the Cary Town Council and participants from two annexation focus groups. One of the two focus groups was created from a randomized list of all 700+ owners of properties annexed into the Town of Cary in 2003, including but not limited to Summerwinds and Kingston Ridge. The other focus group was developed from a randomized list of all 2600+ owners of properties within Town of Cary resolution of consideration and intent areas from the last two years, including but not limited to Medfield Estates and Dutchman Downs.

II. Annexation Defined

Annexation is the legal process by which municipalities add land to their corporate limits. Since 1959, the North Carolina General Statutes give all municipalities the authority to annex areas that meet specified standards provided that required procedures are followed and the municipality commits to extend basic services into the annexed areas. The State's annexation policy favors the expansion of cities to provide essential urban services to areas that are deemed urban in character, which is defined by the State in *General Statutes 160A-48 Character of Area to be Annexed* (see Section III for details). Specifically, only municipalities are authorized by law to provide the full range of basic urban services--from water and sewer service to street maintenance and improvements.

III. Methods of Annexation

Cary, like other municipalities in North Carolina, may expand its corporate boundaries through two options: 1) Citizen-initiated annexation (referred to in the North Carolina General Statutes as voluntary annexation) and 2) Town-initiated annexation (referred to in the NC General Statutes as involuntary annexation). Both have specific procedures and qualifying standards that must be followed.

Citizen-Initiated Annexation In Cary

- Represents the primary method of annexation in Cary and in North Carolina.
- Requires properties to be either contiguous or no point on the proposed satellite annexation Town limits may be closer to the primary corporate limits of another municipality (Exemption is granted from this provision if a utility service/annexation agreement exists with the other nearby municipality).
- Allows property owners to receive services that Wake County does not provide, such as public water and sewer.
- Majority of these annexations are associated with new developments that desire/require Town water and sewer service.

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- Allows for new services that must have public utilities (e.g., shopping centers, offices, large churches, public schools, and most residential developments with an overall density of less than one unit per acre).
- Makes available nationally accredited Parks, Recreation and Cultural Resources, Police, Fire and EMS.
- Provides for the annexation of individual residential properties that need public water and/or sewer because of failures of private well or septic systems.
- Requires the following actions:
 - Property owner submits a petition to the Town requesting annexation;
 - Town Council adopts a resolution calling for a public hearing on the annexation;
 - Town Council holds a public hearing; and,
 - Town Council adopts an ordinance annexing the property.
 - Typically includes an immediate effective date following annexation ordinance's adoption.

Town-Initiated Annexation in Cary

- Historically, represents 2% of the total land area annexed in Cary within the last 20 years.
- Allows the Town to annex properties that meet certain development standards provided certain procedures are followed.
- Does not require property owner consent.
- Requires that the area to be annexed:
 - Be adjacent to or contiguous with the current corporate limits
 - Have at least one-eighth of the total boundary contiguous to the current corporate limits
 - Not be located within another incorporated municipality
 - Developed for **urban purposes** according to the State definition (must meet **only one** of the State's following tests):
 - Population density of 2.3 persons per acre; or
 - Population density of 1 person per acre plus: or
 - 60% of acreage is in parcels of 3 acres or less
 - 65% of parcels are 1 acre or less
 - 60% of parcels are used and 60% of the vacant and residential used acreage are in parcels 3 acres or less: or
 - All tracts are used for non-residential uses (i.e., commercial, industrial, governmental, or institutional purposes).
- Requires the Town take the following actions:
 - Adopt resolution of intent to annex specific areas;
 - Mail notices of required public meetings/hearings to all property owners subject to the resolution;
 - Adopt an annexation report and plan of services that shows how the areas meet required standards, how the Town plans to extend services, and lists revenue projections and a summary of costs and benefits to property owners within the proposed annexation areas;

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- Hold a public information meeting to explain the annexation report and plan of services;
- Hold a public hearing;
- Adopt the annexation ordinance with a specific effective date;
- Provide government services to newly annexed areas according to the Town's policies and procedures, all of which must be in accordance with State law; and
- Allow for appeals by residents and/or property owner based upon failure of the Town to follow required process/procedures.

Citizen-initiated annexations typically take 3 months to process, while Town-initiated annexations take approximately 1 ½ years from start to effective date.

IV. History of Annexation in Cary

Historically, the expansion of Cary's Town limits has primarily been the result of citizen-initiated annexation. Over the last 20 years, the Town has developed long range plans and made investments in essential facilities that provided a foundation for orderly growth and development that promotes a high quality of life and environment. This planning, in combination with Cary's desirable location, resulted in significant expansion of Cary's corporate limits as property owners needed Town services to support new developments consistent with our adopted land use plans and ordinances. Cary's ordinances and comprehensive plans are effective tools at managing growth in a way that protects property values and results in high quality development.

Citizen-initiated annexation continues to be Cary's primary method of annexation. The Town's citizen-initiated annexation policy provides for annexation by property owners if they are requesting Town services. Thus far, a minority of these types of annexations have been the result of existing single family property owner's requesting public utilities because their well and/or septic systems have failed. However, as homes around Cary continue to age, this type of situation will likely grow.

Town-initiated annexations represent a minor part of the total property annexed into the Town (about 2% of the total area annexed in the 20 years immediately preceding development of this policy. Historically, the Town has not pursued this type of annexation, in part, due to the successful growth of the corporate limits through citizen-initiated annexation. However, over the years, new developments within the corporate limits have expanded to surround unincorporated properties. Due to their location, these "doughnut holes" are considered for Town-initiated annexation because they could be more effectively served by the Town than the County. A significant portion of these areas included older subdivisions developed with private well and septic systems through Wake County within the boundary that is presently in Cary's urban service area (within the Town's planning jurisdiction, with services of water, sewer and emergency services). Four of these subdivisions and many non-subdivision single family lots have experienced private system failures that resulted in the Town providing public utility

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service without immediate annexation provided that annexation agreements were signed by all the property owners. (An annexation agreement is a legal document that states that the property owners agree to submit a citizen-initiated annexation petition upon the request by the Town anytime in the future.)

Town-initiated annexations have occurred in 1974, 1982, 1991, and 2002. In 1982 approximately 270 acres were annexed. In the 1991 Town-initiated annexation, properties that were already connected to Town water and/or sewer were annexed (approximately 90 acres). In 2002, a comprehensive annexation resulted in incorporating approximately 755 properties containing a total of 1,039 acres (including 629 residential dwelling units).

A majority of these properties were included in County subdivisions that were nearly completely surrounded by Cary Town limits. Annexation of these “doughnut holes” provided for more efficient service delivery and the availability for public water and sewer for these new residents. Soon after the 2002 annexation, approximately 362 property owners, primarily from five subdivisions, requested that water and/or sewer be extended into portions of their subdivision. These property owners chose to sign a petition to request the Town fund a utility extension project within their subdivision. Some residents participated while others within the same subdivision chose not to connect to utilities at that time. The percentage of voluntary participation by residents ranged from 100% to 50%.

Table 1: Water and Sewer Petitions and Participation by Area

Subdivision/Area	Properties Petitioning	Properties in Petition Area	Percent Participation
Hillsdale Forest Area	139	147	93%
Triangle Forest	39	46	84%
Logan Road/Bud El Acres	3	3	100%
Piney Plains Road	6	10	60%
Summerwinds Phase 3	35	43	81%
Windsor Oaks	89	90	98%
Bud El Acres/Woodland Dr.	11	22	50%
Summerwinds Ph. 1 & 2	40	55	70%
Totals	362	416	87%

This level of participation (approximately 58% of the residential property owners whose property was annexed and 87% within existing subdivisions) demonstrates the desire from a majority of these residents to replace their private well and septic systems with a more permanent public system at a reasonable cost.

V. Current Annexation Issues

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The main focus of the Town of Cary's comprehensive annexation program is to acknowledge and wherever possible successfully address the following issues:

- **Unincorporated Subdivisions Adjacent to Corporate Limits** – Today, many unincorporated subdivisions and individual residentially used properties exist within the Town's designated service areas. In Cary and other Wake County jurisdictions, the County has designated those areas within its 1988 General Development Plan should be included within municipalities due to existing and future plans for municipal services. These unincorporated subdivisions are served by private well, septic and/or private utility providers (i.e., Heater Utilities). Due to failures or inability to support the homes with private well and/or septic systems, four unincorporated County subdivisions are already receiving Town utilities (i.e., Hollybrook, Cary Oaks, Oak Chase and Jamison Park).

Most of the unincorporated subdivisions were developed under one of two conditions. First, they were not within the Town of Cary's Extraterritorial Planning and Zoning Jurisdiction (ETJ) or second, they developed at a time when the Town of Cary did not have the utilities extended to these areas. Since the property rights laws of the State of North Carolina give property owners the right to use their property, the Town of Cary did not have the authority to deny the owners use of their property, even if utilities were not available to serve it and whether or not it was in Cary's ETJ. The zoning of areas outside of Cary's ETJ is regulated by Wake County. The County's past and current zoning regulations allow residential development at urban density with private wells and septic systems.

Cary, exercising authority given to it and other municipalities by the General Assembly, has and can vote to annex qualifying properties in order to provide services, manage urban growth and protect the area's health, safety, welfare, and environment. Most property owners facing a Town-initiated annexation oppose this action and the increase in taxes.

- **Individual Property Rights Versus Long-term Communal Interests** Individual property owners opposed to annexation are concerned that the process designated under State Law is contrary to democratic principles and individual property rights. They are concerned that their individual interests are being subjected to the interests of a larger community that they feel they do not belong to (such as Cary) rather than seeing themselves as part of a State that defines annexation as important.
- **Timing, Completeness, and Clarity of Information About Annexation** – For a number of reasons, many property owners do not completely understand the complex issues of annexation. Inaccuracies are primarily related to the costs of public utilities and if and when properties are required to connect. In addition, property owners are confused about how zoning regulations apply to their existing properties. Specifically, owners are concerned about any additional regulations that

may apply to them upon annexation.

- **Timing of Annexation** – Property owners in qualifying annexation areas are concerned about if and when annexation will occur. Many residents may be less opposed to annexation if they are provided enough notice to prepare for its implications.
- **Impact of Citizen-Initiated Annexations on Town-initiated Annexations** – Historically, the Town has routinely approved citizen-initiated annexations. However, approval of these annexations may lead to creating more “doughnut holes” and may jeopardize the potential for Town-initiated annexations of properties. In the 2002 annexation, several potentially eligible properties were not annexed due to a previous citizen-initiated annexation.

VI. The Importance Of and Reasons For Annexation

As outlined earlier in this document, annexation is an important tool for North Carolina, which has provided its localities to expand their boundaries, protections, and services in accordance with adopted plans and policies. Only municipalities are authorized by State law to provide the full range of services required to support developed/developing areas (i.e., water and sewer services, solid waste collection and disposal, street maintenance and improvements). Counties are not authorized under State law to provide street maintenance and improvement and do not typically provide public water and sewer, which is the case in Wake County. This is one of the reasons why nearly all places used for the general public’s day-to-day activities are located within the corporate limits of or are served by municipalities. Municipalities can provide the services and facilities to support more urban and concentrated development. Places such as schools, restaurants, hospitals, apartments, shopping centers and other retail areas require the complete array of services that counties are not directly nor typically authorized under State law to provide.

State annexation policy allows for municipalities to expand, which maintains the financial strength needed to deliver essential services at a reasonable cost. According to a staff memorandum prepared by George Esser for the Municipal Government Study Commission, annexation is important to a municipality’s fiscal health. The State’s annexation statute permits a city to “extend its tax base andsecure payment from services from those who receive the services.” Cities with such an annexation power would benefit from “a more stable and equitable property tax base,” enabling the city to have “a more stable income and (be better) able to meet its capital needs.”

In addition, State annexation laws encourage the growth of existing municipalities to reduce redundant services and redundant costs, provide for economy of scale, more uniform level of service, and ultimately improve the vitality and quality of our communities and, therefore, our State.

One of the most important issues of many of the owners of property being considered for Town-initiated annexation is their perception that the process is undemocratic since

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the State-mandated process does not include an election for them to vote on the proposal. Further, they state that they have no representation regarding annexation. However, the process for annexation was adopted into law by members of the State General Assembly, a group of men and women that all registered voters in North Carolina elect regardless of jurisdiction or incorporation.

In a representative democratic society there are areas of public policy where a determination must be made about what is in the best interest of the public as a whole if individuals and their property are to be protected and provided for now and for the long-term. For example, the Town of Cary has and continues to provide emergency water and/or sewer connections to subdivisions and individual lots within Wake County where private utility failures that are not repairable or contaminated wells have left residents seeking help to protect the use of their property. If the Town had made no future plans to serve these areas for the greater public good then these owner's property values would diminish significantly.

The authority to make Town-initiated annexation decisions has the same basis in democratic theory that gives elected officials the authority to make decisions that are in the best interest of protecting the public health and welfare as their representatives. Specifically, the authority to make these decisions is the same that allows elected officials to regulate land use, define individual behaviors and the use of property that are nuisances to the public as whole.

According to David M. Lawrence with the Institute of Government at The University of North Carolina at Chapel Hill, the enabling statutes for annexation are based on what is in the best interest of municipalities and the State as a whole.

“The involuntary annexation statutes are based on the idea that an incorporated city is at the center of, but is not the whole of, an urban community – a community defined less by governmental boundaries than by economic and social realities. Although the city is not the whole of its urban community, it has much to do with the community's existence, health, and growth. If the city did not exist, the larger community would probably not exist either. It is the attractive power of the jobs and quality of life generated by or within the city that creates the larger urban community. That being the case, the statutes are based on the conclusion that it is good public policy – for the city and its citizens, for those living in the urban fringe, and for the people of North Carolina – that the city be able unilaterally to annex developed and developing property within its surrounding urban community. “

In addition, the State annexation statutes for Town-initiated annexation support municipalities' annexing developed areas adjacent to their boundaries to ensure that those that receive benefits also participate at an appropriate and meaningful level in paying for these services/benefits. As stated above, unincorporated residents do benefit from the Town's investment in the community. This is also supported by the

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North Carolina Supreme Court decision upholding an annexation undertaking by the City of Winston-Salem:

“It is common knowledge and experience that residents of areas adjacent to our cities and towns which are subject to annexation under the laws of our State enjoy a great many city services financed by city taxpayers without paying city property taxes themselves. Most of those outside residents work in the city, shop in the city, use all manner of office facilities in the city, use in-city health care facilities, park and recreational facilities and programs and while doing so use city streets, city law enforcement and fire protection services, city garbage and refuse collection services, city parking facilities and city water and sewer services. They also receive planning, zoning and inspection services from the city. With the possible exception of parking fees, inspection fees, and in some instances fees for the use of recreational facilities and perhaps some other isolated costs, these outside residents pay nothing for these services financed by taxes paid by residents of our cities. Fairness dictates that there comes a time when these residents must join in bearing the costs of those services.” (In re Annexation Ordinance (Winston-Salem), 303 N.C. 220, 233-34, 278 S.E.2d 224, 233 (1981))

One of the reasons for the State’s annexation policy is that municipalities are the appropriate authority to decide on the extension of their boundaries. Municipalities are established by the State to make decisions to support the objectives of the larger urban community. Allowing extension of municipal boundaries to be the responsibility of individual residents living outside a municipal boundary would not fulfill the municipalities’ responsibility given to them by the State to protect and promote the health, safety and welfare of existing and future residents in consideration for the long-term viability of North Carolina. .

Benefits to Existing Town Property Owners

Annexation accomplishes several goals that are beneficial to existing Town property owners. These goals include to 1) improve service efficiency and effectiveness, 2) plan for future service delivery and development of utility capacity to benefit the property owners in qualifying annexation areas, 3) protect the environment and public health, 4) accomplish these goals in a manner that does not place a financial burden on the residents of the annexation areas or the existing citizens of Cary, and 5) allocate the cost of providing urban services and infrastructure to serve those benefiting on an equitable basis.

Unincorporated property owners/residents do benefit the Town through their valued patronage of commercial establishments; however, none of the sales taxes come directly to Cary since sales tax is apportioned to municipalities based on population, and, by definition, unincorporated patrons do not count towards Cary’s population total. In addition, these valued patrons do not participate fully and appropriately in financially supporting the Town’s obligation to provide essential urban services to these

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commercial areas such as street construction and maintenance as well as fire and police inspection and protection to name a few.

Unincorporated property owners/residents also benefit the community with their involvement in schools, religious institutions, charities, volunteerism, and civic organizations. However and again, unincorporated citizens do not participate fully and appropriately in financially supporting the Town obligation to provide the essential urban services necessary to support these community benefits.

Lack of full and appropriate participation in financial support creates inequity among unincorporated property owners and Cary taxpayers. Annexation of developed properties as allowed by the State ensures that everyone that benefits contributes to funding the government services and facilities needed. Without the ability to annex, Cary residents would be carrying more than their fair share of the financial responsibility for the areas high quality of life.

In addition, developed properties that exist within our designated service area and outside of our Town limits can produce inefficiency, duplication and unnecessary costs for the County and Town tax payers. The existence of unincorporated residential areas on the outskirts of or as doughnut holes within existing municipalities can increase the County taxes municipal residents have to pay to support duplications in urban services such as police patrol, parks and recreation, solid waste disposal and others. Elimination of qualifying annexation areas over time reduces duplication of urban services and will help keep taxes lower for everyone, both inside municipalities and in the county. As it is now, municipal residents are subsidizing the duplicative urban services that are provided by the county because municipal residents also pay county taxes.

VII. Impact on Unincorporated Property Owners

One of the main questions that residents with property proposed for annexation asks is “How much will this cost?” While the answer will vary from property owner to property owner, the most significant financial impact for most potential annexes is the payment of municipal property taxes--both real and personal (including homes, cars, boats, etc.), the monthly solid waste fee, and an annual per vehicle license fee of \$15. The vehicle license fee is dedicated toward Town transportation improvements and to support capital and operational funding for our Town’s transit system, C-Tran. One of the major misconceptions about cost is associated with public utilities.

No Requirement to Connect to Town Utilities - Property owners may continue to use their private well or septic system; there is no requirement to tie onto Town water and/or sewer once a property is annexed. It is the sole decision of each individual property owner to determine when or if to connect to Town utilities.

Cost of Town Utilities is Voluntary - With the exception of a small, monthly availability fee that may be charged if utilities voluntarily requested by adjacent neighbors extend to

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a person's property but he/she decided not to connect, all the costs associated with extension of utilities are purely voluntary. Property owners would have to sign a petition to request any utility extensions to be subject to the associated utility costs.

Taxes Do Not Fund Water and Sewer Extensions—Funding for water and sewer extensions are paid from user development fees and utility rates, not from property taxes; therefore, the users of water and sewer fund the Town's utility services. This means that property owners who are not connected to the water and sewer system are not entitled to these services just because they pay Town property taxes. Town taxes are used for general government services such as police, fire, parks, street improvements, and a variety of other Town department services. In addition, Town utilities are optional for existing homeowners using private wells and septic systems. Prior to annexation occurring, each property owner is responsible for maintaining their private well or septic systems in a properly functioning state of repair. After annexation of properties on well and septic systems, the Town has no obligation for repairing these private systems.

The following sections detail the financial impacts, benefits, utilities and impact of regulations.

Financial Impact

Upon annexation, new residents and property owners assume both the benefits and the full and fair responsibilities of living within the Town. One such responsibility is payment of property taxes. Yard waste pickup, nationally accredited and enhanced police service and fire protection, street maintenance, snow removal, street lights, reduced parks and recreation fees, ordinance enforcement, and capital contributions toward roads, parks, and open space will all be provided through these property taxes.

The net financial impact will be less than the 42 cents per \$100 in assessed value (Town of Cary current property tax rate). To help illustrate this point and with the recognition that every situation is different and cannot be reasonably included in this document, the examples below are provided to illustrate the potential impact of Cary taxes on homes assessed between \$150,000 to \$300,000 at the 2003-2004 Cary tax rate of 42 cents per \$100 in property value. These are all averages and each property will be different. The examples are based taxes in effect at the time of this program's adoption; these may change in the future. The purpose is to give a realistic look at the potential financial impact from Cary's taxes.

Example for a residential property assessed at \$150,000

$\$150,000 \times \$0.42 / 100 = \$630$ Cary's annual property tax

Less:

– 10 cents per \$100 assessed property value Wake County Fire District tax (\$150)

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savings)

- Federal, State tax deductions* (\$167 savings)
(*Based on 28 percent federal tax, 7 percent State tax)

= **With tax deductions : \$313 annually (\$26.08 monthly)**

= Without tax deductions : \$480 annually (\$40.00 monthly)

- * Property Tax Deduction: This applies only for those owners that itemize deductions on their taxes. Average federal and State tax rates were used. Obviously, if the federal or State tax rate paid by an individual is lower or itemization does not occur the net tax impact will be greater. The figure without tax deduction would most likely represent someone that has no mortgage payments and/or takes no deductions.

Other examples for potential impact:

\$200,000

= **With tax deductions : \$416 annually (\$34.67 monthly)**

= Without tax deductions : \$640 annually (\$53.33 monthly)

\$250,000

= **With tax deductions : \$520 annually (\$43.33 monthly)**

= Without tax deductions : \$800 annually (\$66.67 monthly)

\$300,000

= **With tax deductions : \$624 annually (\$52.00 monthly)**

= Without tax deductions : \$955 annually (\$79.58 monthly)

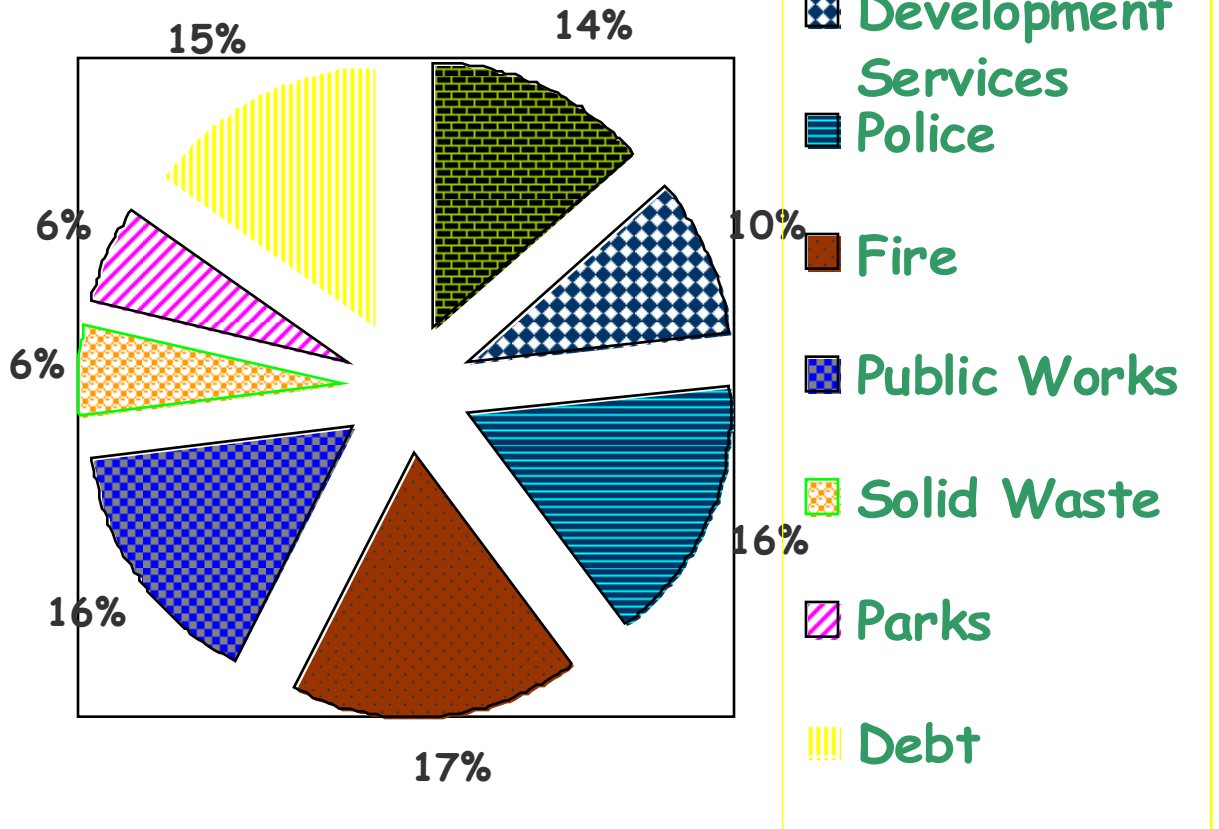
Taxes are collected according to the fiscal year schedule, which begins on July 1 and ends June 30. A property owner's first tax year begins when annexation takes effect and is prorated for the remainder of the fiscal year. For example if the annexation effective date is June 30, 2006, the property taxes are assessed and typically must be paid no later than early January 2007 for the full fiscal year July 1, 2006 through June 30, 2007.

Other savings may include reduction in homeowner's insurance and elimination of monthly street light costs. Again, costs and savings differ based on individual circumstances.

How Cary Taxes Are Used:

The figure below represents how taxes are allocated among different areas. It is important to note that none of these taxes are used to obtain bonds and/or to support expenditures for water and sewer plants or infrastructure construction; Cary's utility services are totally supported by and accounted for within utility rates paid by utility customers, and Town-initiated annexes are not required to connect to utilities. The percentage of the taxes that repay debt is for parks, roads and other general government facilities.

Allocation of Cary Taxes



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For details on budget allocations, please review a current copy of the Town of Cary's Annual Budget, available online at www.townofcary.org.

Affects of Town Zoning on Properties:

Like most municipalities, Cary does have and enforces laws to help ensure the development and maintenance of healthy neighborhoods. As in other communities, Cary's regulations address safety, health, welfare and appearance. Below is a list of what many property owners consider to be the most significant regulations.

Potential New Regulations for Newly Annexed Residents:

- * Abandoned/nuisance vehicles are not permitted
- * Outdoor burning is prohibited for fire safety and air quality reasons
- * Signage – Most off-site directional signage is not allowed
- * Loud and disturbing noises are prohibited – In general, a limit of 60 decibel at an adjacent residentially zoned property line.
- * Minimum housing standards are established to ensure safe housing fit for human habitation
- * High grass over 8 inches within yards is regulated for safety reasons
- * Long term parking of travel vehicles must be in side or rear of residential properties
- * Changes to a grandfathered use/structure (Use/Structures that do not meet current setbacks or use regulations are allowed to continue until significant changes are proposed.)
- * Standards for installation of any new irrigation system.
- * Restrictions on expansion to non-conformities uses (e.g. farm animals in a non-agricultural zoning district)

What Cary Does Not Regulate:

- * Color of houses, roofs or accessory residential buildings
- * The number of pets or domestic animals
- * Landscaping on single family residential property
- * Whether property owners can have flags in their yards or similar items
- * Additional building code regulations above the State requirements

Upon the annexation effective date, the Town will assign a zoning designation that will be the best fit for the existing County zoning designation and not create non-conformities. Typically, when the Town rezones properties that are currently used, non-conforming items related to the use of the property (i.e., items that do not conform to the Town zoning regulations and codes) are grandfathered. This means that the non-conforming item may continue but could not be expanded to further the non-conformity.

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Upon the annexation effective date, property owners are also required to obtain building and related permits (plumbing, electrical, mechanical) for changes to their property from the Town of Cary Inspections and Permits Department. Both the County and the Town enforce the same State Building Code, so the type of regulation enforced in this area will not change upon annexation. For most property owners, limited changes will be required on the use of property upon annexation, and every effort will be made to support the property's existing use.

In summary, newly annexed residents should not see a significant impact from Town regulations on the way they use their properties.

Benefits:

Newly annexed residents receive benefits from being within the Town limits. For example, in exchange for annexation, the Town commits to providing essential and high quality services to support new and existing development. Upon the effective date of the annexation, new residents begin receiving services from Cary. These services include weekly solid waste and recycling collection, street maintenance, police and fire protection, and other general government services. More detail on these services and others benefits are listed below.

- Low cost, weekly residential curbside recycling and yard waste collection
- Low cost weekly curbside residential garbage collection
- Storm debris collection and street cleaning, including snow plowing
- Yearly curbside leaf collection
- Street maintenance including pothole repair and resurfacing for qualifying roads
- Fast, dependable, and comprehensive police and fire protection services from nationally accredited departments
- Priority access to lower cost and nationally accredited parks, recreation, and cultural resources facilities and programs
- Low crime (safest city in North Carolina and consistently in the top 10 of all municipalities over 100,000 in America)
- Abatement of nuisances (e.g., overgrown yards, minimum housing codes)
- Access to C-Tran, Cary's low cost transit service
- Right to submit a request for sidewalks (see attached policy)
- Right to vote in Town Council elections
- Street lighting (see attached policy)
- Opportunity to choose to connect to public water and sewer (must meet policy requirements –see below)
- Possible lower insurance rates

Comprehensive Annexation Program

Street Maintenance & Improvement for Town-Maintained Roads

After the annexation effective date, the Town of Cary will initiate the process of taking over maintenance and improvement responsibility for all of the minor, local public roads in annexation areas from the North Carolina Department of Transportation (NCDOT).

Existing roadways within these subdivisions will remain the same with the exception of pothole repair and resurfacing for qualifying roads (non-curb and gutter streets will generally remain the same). Street lighting and sidewalks along these streets are optional and are typically only installed by the Town upon request by the majority of the residents within the neighborhood. Upon annexation, residents along a street may request additional street lighting, beyond that already installed, provided current street lighting does not meet Town standards and the request includes an approved petition (see attached policy for more details). For most residential subdivisions, there will be little to no change to the existing neighborhood's physical environment after annexation.

Once these roads become Town-maintained, the Town of Cary Public Works and Utilities Department will provide the following services:

- Street, sidewalk, and curb maintenance and repair;
- Missing and broken storm drain or manhole cover replacement on public property;
- Street sign installation, maintenance, and repair;
- Maintenance of pavement markings;
- Residential street sweeping;
- Main thoroughfare street sweeping and flushing;
- Street drainage structure maintenance and repair;
- Mowing of grassed rights-of-way along main thoroughfares;
- Storm damage cleanup on public rights-of-way; and,
- Snow removal operations on public streets.

Each year Town of Cary staff hires an independent agency to provide a pavement condition survey for all Town-maintained streets. The Engineering Department establishes a recommended priority list for resurfacing based on an annual street rating. These recommendations are voted on by the Cary Town Council.

North Carolina Department of Transportation-Maintained Roads

All major thoroughfares, and some collector streets and residential streets, in any annexation area will continue to be maintained by NCDOT.

Private Streets

All existing private streets in the annexation area will remain privately owned and maintained.

Comprehensive Annexation Program

Emergency Services

One of the significant benefits of being annexed is the fast and dependable service provided by the Town's nationally accredited Police and Fire Departments. The Police Department average response time is under 5 minutes in emergency situations and under 20 minutes in non-emergency situations. The Cary Fire/Rescue Department provides fire suppression, emergency medical service in a first responder capacity, and technical rescue within the Town's corporate limits. The Fire Department staff at stations is organized into three rotating shifts that provide 24-hour coverage. Some of the Wake County volunteer fire departments have a combination of full time and volunteer positions; however, they do not provide 24-hour staff coverage at the fire stations. The Town's Fire Department typically responds with more staff than volunteer department. Response times, 24 hour coverage and more people to assist can make a noticeable difference in emergency situations.

Town Water and Sewer Service:

Upon the effective date of Town-initiated annexation, the Town will be responsible for extending major trunk water mains and sewer interceptors. Water and sewer service will be made accessible to the annexation areas such that the property owners within the annexation areas will be able to secure individual water and sewer service in accordance with the Town's utility extension policy (see attached Policy Statement 23 for more detailed information on extension and connection to utilities).

Proposed trunk water mains and sewer interceptors that are not already in operation must be constructed by the Town within two years of the effective date of annexation. The proposed trunk water mains and sewer interceptors do not include local water and sewer mains extended into subdivisions that are typically constructed along the street frontage.

Provided they meet the requirements of the Town's Utility Connection Policy, owners of annexed property are assured the opportunity to voluntarily connect to Cary's high quality, reliable water and sewer systems, enabling them to do away with their well and septic systems and the associated maintenance costs. Extensions of water lines include the installation of fire hydrants to enhance the fire protection provided to the area. Property owners within annexed areas are not required by the Town of Cary to connect to Town water and sewer services; it is up to each individual property owner to decide whether he or she wants to connect to Town utilities and when.

Please note, however, that in cases where a private system fails or no longer meets the demands of an expanding facility, Wake County Government may not approve of the installation/repair of a new well and/or septic system (typically if the public utility is within 300 feet of the property). While the Town of Cary is not requiring the connection, it may be, by default, a property owner's only choice.

Comprehensive Annexation Program

As has been the case with many properties annexed in 2002, groups of property owners within subdivisions have initiated petitions for the extension of Town water and/or sewer lines. Town of Cary utility extension and connection policy explains how a community or group of property owners may petition the Town Council for line extensions to obtain water and sewer.

While each individual situation may be different, the cost paid to the Town for connecting to public utilities is, on average, generally in the same range as the cost of replacing private wells or septic systems (ranging from \$4,863 to \$7,146 for **both** Town water and sewer). In other words, this is a cost that the owners of residential properties can expect to eventually have to bear each time their systems fail and there are several cases where repairing a septic system is not a viable option due to poor soil conditions or a lack of property. The provision of public utilities is a permanent solution and provides higher quality service over time both to the individual and the environment.

Some properties that are annexed do not require extensions of water and/or sewer lines because these facilities are already adjacent to the property. In these cases, the owner may choose to go through an individual request for connection to the water and/or sewer line. The owner will be required to pay the development fees and all the related connection charges. No petition of his or her neighbors would be required.

Majority Consent Requirement

In cases where utility lines are not already adjacent to properties (see above), approval of utility extension projects requires majority consent from the property owners within the area to be served.

- A majority of property owners must sign the petition.
- Those signing the petition must own a majority of the property frontage.

In isolated cases, the Town Council reserves the right to extend water and sewer lines to accommodate citizens with severe needs such as when their wells and/or septic systems fail and there are no viable options for repair.

Where an existing community water system must be purchased by the Town, the petition participation goals will be increased to include over 75% of the property owners in the community requesting municipal water service. The Town will need a greater number of residents who are requesting Town utilities to sign the required petition to implement a potential transfer of water services from a private company to the Town of Cary. This will also require Town Council approval to commit the additional funds needed if the private company must be compensated.

Fees to Connect

Essentially, a group of property owners who petitions for water and sewer lines pays development fees and discounted connection charges. These development fees are

Comprehensive Annexation Program

required to pay for utility plant capacity that is being used and expanded as new impacts are added to the overall system. The connection charges are necessary to reimburse a portion of the cost required to provide individual service lines to each property. As stated earlier, the Town's utility system is a separate entity not supported by property taxes, which is why those requesting utilities must pay for the utilities.

In addition and unlike many other cities and towns, the Town of Cary has no assessment charges. Below is a listing of the Town's current fees for residents desiring their property be connected to Town water and sewer. The total amount reflects the current fees for both water and sewer. This fee includes the water and sewer development fees plus 50% of the full service base tap connection charge. The property owner is responsible for running the private lines from the public water and sewer lines to the house.

Total Fee Amount For Water and Sewer by Home Size

Home Size (sq.ft.)	Water Dev. Fee	Sewer Dev. Fee	50% Connect. Charges	Total Fee Amount
<1,700	\$1,241.00	\$2,143.00	\$1,478.50	\$4,862.50
1,701 to 2,400	\$1,372.00	\$2,172.00	\$1,478.50	\$5,022.50
2,401 to 3,100	\$1,684.00	\$2,639.00	\$1,478.50	\$5,801.50
3,101 to 3,800	\$1,904.00	\$2,866.00	\$1,478.50	\$6,248.50
>3,800	\$2,402.00	\$3,265.00	\$1,478.50	\$7,145.50

Note: Home Size is based on the heated square feet as listed with the Wake County Tax Assessor's office

The owners may pay development fees in three installments with no finance charges.

<i>Breakdown of Payments</i>	<i>Schedule of Payment</i>
First 1/3 partial payment	Within 60 days of petition verification and approval by the Town of Cary
Second 1/3 partial payment	Prior to the Town advertising the construction contract for installing the proposed water and sewer mains
Third and final partial payment	When a billing account is initiated or within 60-days of the construction completion date as determined by the Town of Cary

When the utility extension project is advertised for construction, property owners who did not participate in the original petition effort will receive a last opportunity to join the petition and take advantage of the routine connection charges waiver. They will have 90 days to join the petition by paying their development fees and discounted connection charges in full.

After the 90-day period, property owners requesting a utility connection will be responsible for paying the full utility connection charges *and* development fees. These

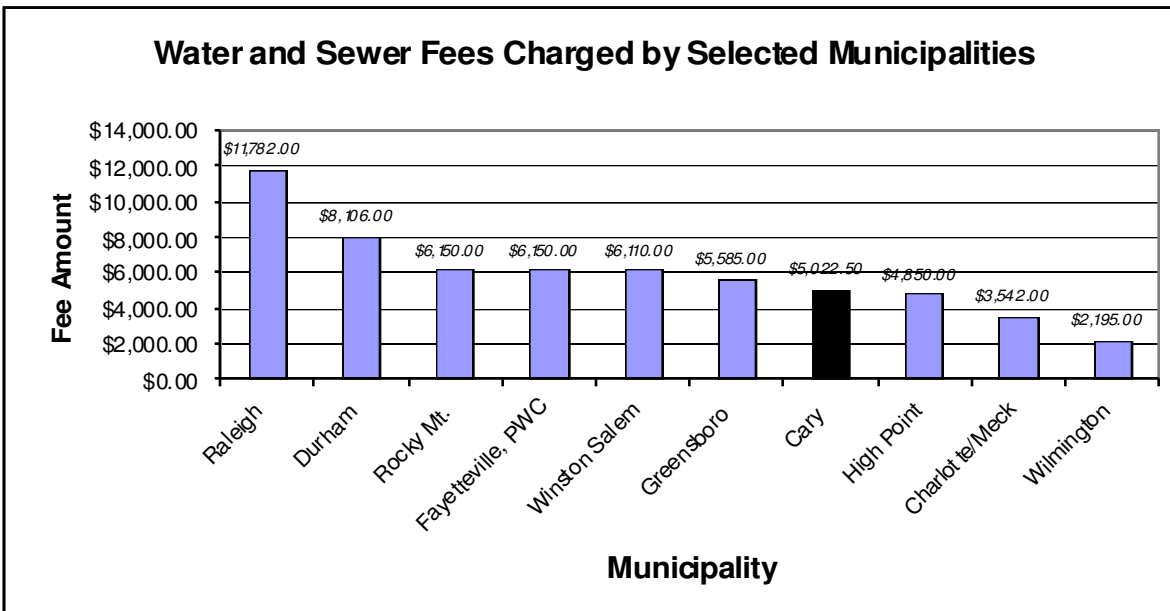
Comprehensive Annexation Program

utility connection costs are the actual construction costs for making individual utility connections to the Town system.

Comparison of Cary's Fees with Other Municipalities

For the purpose of comparison with other municipalities, a sample property with 110 linear feet of street frontage and a home size of 1,800-2,200 square feet was reviewed. The results of the survey from selected other municipalities have been shown in the chart below. Please note that the information listed from other municipalities was obtained through fee schedules available on municipal Web sites and through phone conversations with staff members.

In reviewing the data from the largest municipalities in the State, Cary's current fees are quite competitive and in most cases lower than the fees charged by several other larger municipalities (i.e., Raleigh, Durham, Winston Salem and Greensboro). This information demonstrates that property owners requesting water and sewer service through the petition process receive pricing that is fair and equitable when compared to other major service areas of the State.



Allocation of Costs for Utility Extensions

Based on 2005 construction costs, staff estimates that the Town pays approximately 42% of the construction cost to install utility lines within existing residential annexation areas. Overtime, this Town cost is recovered through the payment of utilities bills by these new customers and revenue generated from the newly annexed properties. The overall cost to most property owners is estimated at approximately 58% of the actual

Comprehensive Annexation Program

construction costs required to extend water and sewer lines and connections fronting their property. In addition to the above costs, the Town is also financially responsible for all other construction costs including those costs outside of the residential areas that are required for connecting new utility trunk/main lines to the existing Town system. Additionally, the Town maintains responsibility for 100% of the costs associated with design services, such as engineering, surveying, public notification, project management, easement recordation and construction administration.

Responsibility for Service Lines, Wells and Septic Systems

The cost of installing private water and sewer service from the street right-of-way or public utility easement to dwellings and structures is the responsibility of the individual property owner. The cost of maintaining and abandoning existing wells and septic systems is also the property owner's responsibility. Existing wells may be retained for irrigation purposes under certain circumstances in accordance with Town policies and ordinances.

Consideration for Property Owner Hardship

The payment of water and sewer development fees by property owners who voluntarily choose to connect is typically done over a two year period. Exceptional circumstances may exist where a financial hardship exist with a property owner. On a case by case basis, the Town Council may consider financial assistance provided the following items are met:

1. The property owner is required to connect due to a private utility failure and the regulating County agency will not permit a repair to the private utility system(s) (i.e., no other alternative exist); and
2. The homeowner provides the town the necessary information that shows a clear financial hardship.

Upon connection to public utilities, the Town offers the Oasis program. Oasis is a program to help those going through financial hardship with their Town of Cary utility bill through donations from other utility customers. The money from the program may only be used for a Town of Cary utility bill or for plumbing repairs to fix leaks.

Summary of Steps for Extension of Water and/or Sewer Lines

- * A majority of the residents in a subdivision/area petition the Town to extend the utility in accordance with the Town's policy;
- * Owners who signed the petition make the three payments of the development fees over the allowable period of time
- * Town hires contractor to perform the extension project
- * Owner hires a plumber to run private lines to the house (timing of this action is at the owner's discretion – owner may continue to use private well and/or septic system long after extension project is completed).

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- * Plumber obtains required permits from the Town of Cary
- * Town completes extension project
- * Owner initiates a billing account with the Finance Department
- * Town installs a utility meter to activate service

No Requirement to Connect

Once water and sewer lines are extended for the property owners that have submitted a citizen-initiated petition, the owners are not required to connect to the lines. However, property owners choosing not to connect will be required to pay a monthly availability charge (currently \$1.97 per month for each utility) after the lines have been installed. The rationale behind this charge is to provide a means by the Town to support maintenance on the water and sewer mains adjacent to the property. The fee is only charged to owners if water and/or sewer services are made available to their property.

Current Water and Sewer Rates:

Water & Sewer Rates Effective July 1, 2004 Single Family Residential Water

Usage	Inside Town Rates	Outside Town Rates
Tier 1 0 – 5,000 gallons	\$3.28/Kgals	\$9.84/Kgals
Tier 2 5,000 – 8,000 gallons	\$3.75/Kgals	\$11.25/Kgals
Tier 3 8,000 – 23,000 gallons	\$5.33/Kgals	\$15.99/Kgals
Tier 4 Greater than 23,000 gallons or over water budget amount	\$10.83/Kgals	\$32.49/Kgals
Sewer	Inside Town Rates	Outside Town Rates
Any Amount	\$3.73/Kgals	11.19/Kgal

Water Conservation

With the completion of the Town's Water Treatment Plan Expansion to 40 million gallons per day in 2002, the Town has ample water to service existing and future needs for many years. However, the Town has a comprehensive water conservation program to provide solutions for maximizing the use of this crucial natural resource.

Demand for water during the hottest, driest days can be more than twice the daily average. Reducing this spike in usage lengthens the time before costly treatment plant expansion is required.

VIII. Annexation Policies

Policies for Considering Town-Initiated Annexation

The purpose of these policies is to articulate and effectively guide decision making regarding annexation. These policies are for general guidance only. They are not intended to be inflexible and, as with other policies of the Town, may be varied under such circumstances and in such manner, as the Town determines to be appropriate.

Statement of Policies

1. Areas should be considered for annexation on a 2-year cycle.

To increase the predictability of the process, a resolution of consideration identifying areas for possible annexation will be adopted in odd-numbered years, with the formal annexation process (report for extending services, public hearing, and ordinance adoption) in even-numbered years. The specific steps involved in annexation will be timed to facilitate planning, budgeting, and extending services into annexed areas. This policy will allow all of the steps in the formal annexation process to be taken by the same Council.

2. The annexation process should begin with the Town Council's adoption of a resolution of consideration describing the specific boundaries of an area that qualifies for annexation at least one year before the adoption of a resolution of intent.

The intent of this policy statement is to give advance notice to interested parties of possible annexation; however, shorter notice than one year may be provided. The resolution of consideration identifies areas being studied by the Town to determine if all or any portion of such area(s) qualifies for annexation.

3. The ordinance adoption should occur at the end of the even numbered year while the effective date of annexation should occur on or about June 30th of the odd numbered year.

An annexation effective date of June 30th, the last day of the Town's fiscal year, assures that the area is in the Town for the full fiscal year beginning on July 1st. Affected property owners are entitled to receive a full, fiscal year of services and become obligated to pay property taxes for a full fiscal year (Town water and sewer service is not automatically provided because it is not funded through Cary property taxes and is optional for owners of existing homes on well and septic systems – See Section VII for more details)

4. Large vacant property tracts should not be annexed except when reasonably necessary to annex an urbanized area.

Comprehensive Annexation Program

The inclusion of large vacant tracts in an annexation area should be avoided, especially if such tracts are located at or near the exterior boundaries of the area. Large tracts are defined as those properties that are of such a size that they are available for future development (e.g., vacant 10 acre or larger properties that are on the edge of the annexation area). Such property may be included in an annexation area if reasonably necessary to connect urbanized areas or to avoid illogical boundaries (new doughnut holes) or future problems in annexing the vacant or adjacent property.

5. Annexed property owners and residents will receive Town services in accordance with applicable policy.

Town services will be provided to annexed properties and residents in accordance with State law and Town policies and in a manner that is consistent with how such services are provided throughout the Town.

6. Annexed property owners are not required to connect to Town water and sewer.

Annexed residents may continue to use their current well and septic systems. If and when property owners within the Town-initiated annexation areas have failures in their private systems and need and/or desire connection to Town utilities, the costs and method of payment would be based on the Town Council policy in effect at the time the connection is requested. Costs will depend on when the request is made, how many other property owners in the neighborhood desire utilities, and the construction costs at the time. As with all financial policies in the Town, fees and costs associated with connecting to utilities are reviewed each year as part of the annual budget process and adjusted if necessary due to increases in utility construction costs.

7. Annexation areas should be selected based upon meeting the required State standards and the Town's evaluation criteria for annexation as articulated herein.

The State standards are clear on what types of areas qualify for Town-initiated annexation as well as the Town's obligation to provide governmental services for the protection of the health, safety and welfare in areas being intensively used for residential and non-residential uses. The Town's established criteria will help the Council make objective and equitable decisions on the selection of future Town-initiated annexation areas (see Section IX)

8. Although a determination of costs and revenue are required by State law, this will not be the determining factor in whether property is annexed.

In the interest of equity and as stated with item #7 above, an area should be considered for annexation primarily based on the area meeting the required State standards and the Town's evaluation criteria (see Section IX). Criteria related to the current and future ability to provide public services, environmental/health concerns and the degree in which the area meets the required State standards should be the determining factors.

Comprehensive Annexation Program

- 9. The Town will provide appropriate, accurate and timely information to affected residents and property owners in an annexation area and to existing citizens of the Town.**

The Town plans to provide information on annexation to raise the awareness and understanding of the details and issues surrounding the annexation process as well as its costs, requirements, and methods and provision of municipal services. All related reports and documents will be available as required by law and will be distributed publicly in a variety of ways. Town of Cary notification efforts will go beyond what is required by State law.

- 10. As required by State laws, the Town will pay economic losses to all qualified solid waste collection firms and rural fire departments.**

The State annexation laws outline the process and steps the Town must follow to compensate private businesses that provide public services when those private services are no longer needed because of Town-initiated annexation.

- 11. The number and the size of the annexed areas proposed every two years should generally be based upon the cost and the Town's ability to extend services to these areas while still maintaining the quality of these services.**

Evaluating potential annexation areas as they relate to the Town's criteria on its current and future ability to serve is important. For example, similar areas that can be served by State required extension of main water and sewer trunk lines/facilities should be considered together. In addition, maintaining the quality of the service delivered to existing residents is important in evaluating the number and size of areas to be annexed.

Policies for Considering Citizen-Initiated Annexation Petitions

The majority of citizen-initiated annexation petitions are for parcels of vacant land that the petitioners wish to develop for residential purposes.

- 1. Citizen-initiated annexations should be approved only in instances where the annexation of property under current or likely future residential use will not adversely affect the Town's ability to annex other property.**

The processing of a citizen-initiated annexation petition requires a review by key departments that would provide service to the annexed area, most notably Public Works and Utilities, Fire, Police, Planning, and Engineering. The question asked by each department is whether it could serve the proposed annexation area at a level comparable to areas within the Town without a negative impact on its operating or capital budgets or without decreasing the level of service already furnished within the Town

Comprehensive Annexation Program

Principle: If the citizen-initiated annexation of land currently developed or earmarked for residential development may adversely affect the Town's ability to annex other property in the future, staff will recommend against the citizen-initiated annexation.

- 2. Citizen-initiated annexations should be approved only in instances where Town services can be extended to the annexation area without an undue negative impact on Town finances or services.**

Citizen-initiated annexation petitions may involve non-contiguous land. Town staff must carefully evaluate petitions for non-contiguous ("satellite") citizen-initiated annexation, both from the standpoint of compliance with applicable State statutes, and from a service delivery/equity perspective (as discussed above). Citizen-initiated annexation properties can, however, include boundaries which, if annexed, create unincorporated territory completely surrounded by the Town ("doughnut hole"). Such areas may be very difficult to annex at a later date.

Principle: If the Town cannot provide service comparable to service already provided within the Town to the citizen-initiated annexation area without an undue negative impact on Town finances or services, staff will recommend against the citizen-initiated annexation.

- 3. Citizen-initiated annexations should be approved only in instances where annexation of the property will not create situations where unincorporated areas will not be encompassed by the new Town limits.**

Principle: If a proposed citizen-initiated annexation may create a situation in which an unincorporated area is completely encompassed by the Town limits and the future annexation of such unincorporated area may be difficult or create difficulties in annexing other property in the vicinity, staff will recommend against the citizen-initiated annexation.

- 4. The foregoing policies may be waived if the Town Council determines that either of the following conditions exist:**
 - A petitioner for a citizen-initiated annexation would experience a significant hardship if the annexation were not approved; or
 - Under the facts of a particular citizen-initiated annexation petition, the Town's interests are served by varying the application of one or more of these policies.

IX. Evaluation Criteria for Annexation

Comprehensive Annexation Program

The areas chosen for the 2002 Town-initiated annexation were primarily based on characteristics that distinguished them from other qualifying areas. These characteristics included the percentage of contiguous boundary and the current and future ability to service these properties. The following criteria include these characteristics and others to assist the Town in determining objective priorities for what properties should be annexed.

Criteria	Measurement
Urban Tests	Percent of contiguous boundary to Town limits, adjacent municipal utility service agreement areas with adjacent municipalities (e.g., Raleigh, Holly Springs, Durham), and Swift Creek Land Management Critical Areas (These designated areas currently have restrictions on extension of municipal water and sewer services and are controlled by Wake County and several affected jurisdictions.)
Current & Future Ability to Serve	Existing/planned utility lines, parks, road improvements; "Rolling" municipal services within the area (police, solid waste vehicles).
Environmental/Health Concerns	Age of septic systems, well water quality, history of utility failure

Urban Tests – State law requires that 12.5% of the boundary of the qualifying annexed area be contiguous to Cary's corporate limits, agreement boundary or Swift Creek Land Management Critical Area. Typically, the higher the percentage of contiguous boundary the easier and more efficient it is to serve the area through Town services instead of through the County. Those annexation areas with a greater percentage of contiguous boundary should be considered sooner unless other criteria are deemed more important (e.g., septic system failures).

Current and Future Ability To Serve – This criteria is reflective of the Town's ability to service these areas with services and facilities either existing or planned. The measurement for this criterion may be the proximity to public service facilities (e.g., parks, fire stations). This helps provide a more logical extension of boundaries based on existing and future infrastructure planning. Four unincorporated existing subdivisions are already receiving Town water and/or sewer, they are: Jamison Park, Hollybrook, Cary Oaks, and Oak Chase subdivisions.

Environmental/Health Concerns – Failure of wells and septic systems represent a clear need to provide water and sewer to developments to protect the health, safety and welfare of residents and the nearby natural environment. Many residents within the 2002 annexation areas were prompt to replace their wells and septic systems with a reliable public system to address water quality and environmental issues. Wake County Department of Environmental Health can provide the Town information on calls for services and well/septic system repairs.

X. Public Information Element

Purpose

The purpose of this element of the Town of Cary's Annexation Program is to articulate processes and methods for ensuring that all legal requirements for annexation public information and notice are met or exceeded. Implementation of this element will be guided by the principle that such information and notice will be provided as soon as possible and far enough in advance that affected citizens have adequate time to review and react to the communication. The purpose of this element is not to facilitate local debate on the merits, morality, or legality of State annexation law since those topics are more appropriately addressed with lawmakers of the North Carolina General Assembly.

Goals

- Provide for more orderly, predictable extension of municipal boundaries
- Give affected property owners ample notice of the likelihood of annexation
- Raise awareness and understanding of the details on annexation process, costs, requirements, and methods and provision of municipal services

Target Publics

While every annexation will generate an individualized communication plan, the groups most likely to be included at some point in the public information process include:

- Owners and tenants of property being considered for annexation
- Town of Cary citizens
- Town of Cary elected officials and staff
- Elected officials and staff of the counties (including school systems) in which the annexation is planned
- Cary's delegation in the NC General Assembly
- Media
- Existing service providers—volunteer fire, private solid waste

Key Topics

Comprehensive Annexation Program

While every annexation may generate an individualized communication plan, the information most likely to be presented to groups at some point in the public information process includes:

- Cary's Comprehensive Annexation Program
- Legal process of and schedule for annexation—local and State
- Counties' role in annexation (reduction in county operating costs)
- Annexation costs, savings, and benefits, including to county taxpayers
- Utility, public safety, and general government services
- Planning and development, including the role of annexation in the State's economic development and environmental protection
- Town governance—structure, public involvement, voting, and elections
- Comparison of the Town's annexation program structure and costs with surrounding jurisdictions such as Raleigh and Apex;
- Statistics on septic tank and well failures as well as other environmental data
- Costs and consequences to Cary citizens for not annexing adjacent properties

Tactics

While every annexation may generate an individualized communication plan, the information vehicles most likely to be utilized in the communication of information to groups include:

- Town-wide open houses
- Neighborhood meetings
- Focus Groups of recently annexed property owners and those property owners of potential annexation areas.
- Official public hearings
- Web sections
- E-mail services
- Cary TV bulletin board and BUD TV
- Videos
- Direct mail
- Yard signs
- Newspaper advertising
- 24 Hour Town Hall telephone message lines
- Talk and public affairs shows
- News releases and public service announcements

Primary Activities

Following the Council's adoption of a resolution of intent to annex, State law requires notification of the required public information meeting and hearing be sent to property owners by first class mail. In addition to the local and State publicity, public involvement, and advertising requirements relative to annexations, the Town of Cary will use the following activities to help achieve the Annexation Program's public information goals:

Comprehensive Annexation Program

Communications Plans

Develop and implement a flexible communications plan to address information issues consistently for all voluntary annexations, and develop and implement separate communications plans for each involuntary annexation. All plans will include goals, objectives, target publics, key messages, primary activities, budget, and timetable.

Annexation E-mail Service

Develop and implement a free subscription based service where anyone can register on the Town of Cary's Web site to be notified by the Planning Department of any annexation up for consideration before the Town Council. Two lists would be provided, one for citizen-initiated annexation and the other for Town-initiated annexations. In ordinary circumstances, the e-mail will go out to subscribers no less than five business days prior to the first public meeting at which the annexation is scheduled to appear. The e-mail will alert subscribers to the proposed action and provide a link to online information about the proposed annexation and will include contact information for the staff member overseeing the project. In extraordinary situations—emergency and special called public meetings—the e-mail will be sent at the same time public notice for the meeting is posted in accordance with State law.

Video

A video detailing Cary's Annexation Program will be developed and loaded onto the Town's Web site as well as played regularly on Cary TV 11. Other videos will also be developed for each involuntary annexation to be used during public information sessions.

Enhanced Web Section

Maintain a detailed section about Cary's Annexation Program and current annexation activities on the Town's Web site. In addition to covering the content necessary in KEY TOPICS, the site will include a link to the new e-mail services, videos, Power Points, and feedback mechanisms. As always, news releases will be posted on the Town's Web site and distributed via the Town's electronic mailing list service.

Flyers and Brochures

The Town will develop and produce printed materials detailing the Town's annexation program. These materials will be available on the Web for download, from Town staff in the Planning Department, and in initial mailings to property owners potentially affected by an annexation according to Town standards.

Cary TV Bulletin Board

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Notices from the Planning Department of any annexation up for consideration before the Town Council will also be placed on Cary TV. In ordinary circumstances, the notice will be posted on the channel no less than five business days prior any to the first public meeting at which the annexation is scheduled to appear. The e-mail will alert subscribers to the proposed action and provide a link to online information about the proposed annexation and will include contact information for the staff member overseeing the project. In extraordinary situations—emergency and special called public meetings—the e-mail will be sent at the same time public notice for the meeting is posted in accordance with State law.

Media Relations

Because of their lack of relative “news value”, news releases will not be issued to the media for citizen-initiated annexations; media, like any others with access to the Internet, will be able to receive this information via the Electronic Mailing List Service. Information highlighting milestones in any Town-initiated annexation process will be issued to by the Town to all regional media. These releases will enable the media to write articles, produce stories, and cover the milestones in special public affairs mediums.

XI. Identification of Annexation Study Areas

The Town of Cary’s comprehensive annexation program applies to all properties within Cary’s urban services area as designated on our current Land Use Plan. Properties within this area were evaluated on whether they qualify according to State Statutes for Town-Initiated annexation. Thirty areas were identified as meeting the tests for being developed for “urban purposes”. In most all cases major roadways were used as boundaries between different annexation areas. All properties within individual study areas must be contiguous with each other and can not include properties that are separated by existing town limits. A Summary of Statutory Requirements Compliance for the 30 study areas is attached. Each area was given a number and is identified in Table 2 by roadways within the area or by the names of the largest subdivisions within the areas.

Table 2: Identification of Study Areas

Area Name	General Location
2800 Pleasant Grove Church Road	Northeast Cary fringe; vicinity of I-40 and Airport Boulevard intersection
6801 Deerwood Place	Northeast Cary; existing doughnut hole' within a satellite annexation area
Bells Pointe	Southeast Cary fringe; south of Ten Ten Road and west of Bells Lake Road; north of planned I-540 outer loop
Brookridge, Birklands, Hermitage	Southeast Cary fringe; north of Penny Road, west of Holly Springs Road
Carpenter Fire Station Road	West Cary; east of NC Highway 55 along Morrisville-Carpenter Road
Carpenter Upchurch Road	West Cary; north of High House Road between Davis Drive and NC Highway 55
Cary Oaks, Oak Chase	Southeast Cary fringe; west of Holly Springs Road between Ten Ten Road and Arthur Pierce Road; abuts a pending voluntary annexation area
Dutchman Downs	Southeast Cary fringe; south of Penny Road and north of Ten Ten Road; west of Holly Springs Road
Evans Road	Northeast Cary; between NW Cary Parkway and NW Maynard Road; part of an existing 'doughnut hole'
Grenadier	Southeast Cary fringe; south of Ten Ten Road, north of Arthur Pierce Road
Hallmark, Holly Run, Surry Ridge	Southeast Cary fringe; east of Kildaire Farm Road and west of Holly Springs Road
Hemlock Ridge	Southeast Cary fringe; north of Penny Road, east of Kildaire Farm Road
Holly Brook, Greenwood Acres	Southeast Cary fringe; east of Stephenson Road and west of Kildaire Farm Road
Holly Springs Road/Campbell Road	Southeast Cary fringe; Holly Springs Road corridor south of Tryon Road; west side of Campbell Road
Homestead/Dublin Woods	Northeast Cary fringe; abuts N. Harrison Avenue south of NW Cary Parkway and north of NE Maynard Road
Howard Road	West Cary; west of NC 55 and north of Carpenter Fire Station Road
Jamison Park, Phase 1	Southeast Cary fringe; west of West Lake Road; south of planned I-540 outer loop
Jamison Park, Phase 2	Southeast Cary fringe; west of West Lake Road; south of planned I-540 outer loop
Jenks Carpenter Road	West Cary; south of High House Road; existing 'doughnut hole'
Langston, Wyndridge	Southeast Cary fringe; east of West Lake Road and west of Bells Lake Road; south of planned I-540 outer loop

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Medfield Estates	Northeast Cary fringe; north of Chapel Hill Road and west of I-40
Reedy Creek Road	Northeast Cary fringe; west of NE Maynard Road and north of NC Highway 54; existing 'doughnut hole'
Reedy Creek Road/Mickey Lane	Northeast Cary fringe; north of NE Maynard Road and southeast of North Harrison Avenue
Sawyers Mill, Meadow Lake	Southeast Cary fringe; south of Optimist Farm Road and west of Bells Lake Road; abuts a pending voluntary annexation area
Summercrest Two	Southeast Cary fringe; south of Penny Road and east of Ten Ten Road
Surry Point, Orchard Knoll	Southeast Cary fringe; east of Holly Springs Road and south of Ten Ten Road; abuts a pending voluntary annexation area
Treyland Estates	Southeast Cary fringe; east of Stephenson Road
Wedgewood Square, South Lake	Southeast Cary fringe; south of Ten Ten Road and west of West Lake Road; north of planned I-540 outer loop
West Lake Road	Southeast Cary fringe; east of West Lake Road and south of Ten Ten Road
Woodland Acres	Northeast Cary; east side of N. Harrison Avenue at the intersection of Weston Parkway; part of an existing 'doughnut hole'

XII. Evaluation of Annexation Study Areas

Section IX of this document identified three main criteria that were to be used to objectively determine the phasing plan for each qualifying area. The criteria included urban tests (primarily, the percentage of contiguous boundary); the current and future ability to service; and environmental/health concerns. Each study area was evaluated based on each of these criteria. The results are listed below.

Urban Test: Contiguity

Twenty-eight of the 30 study areas currently qualify for Town-initiated annexation. The Bells Point area and 6801 Deerwood Place currently do not qualify at this time for Town-Initiated annexation due to not meeting the State's minimum contiguous boundary test. Compliance with the statutory requirements for these two areas can be achieved by initiating annexation proceedings after surrounding properties are developed or incorporated. Areas 8 and 26 have been included in this program because it is anticipated that these area will most likely meet the minimum contiguous boundary test in the future as adjacent areas are annexed.

As can be seen in the table below, each area was evaluated based on the State's requirement for contiguous boundary to Cary's existing corporate limits and contiguous with adjacent municipal utility service agreement area boundaries with adjacent municipalities (e.g., Raleigh, Holly Springs, Durham), and Swift Creek Land

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Management “Rural Area” designation. Typically, the higher the percentage of contiguous boundary, the easier and more efficient it is to serve the area with Town services instead of with County services. Those annexation areas with a greater percentage of contiguous boundary should be considered sooner unless other criteria are deemed more important (e.g., septic system failures).

Table 3: Contiguous Boundary Results

Area Name	Rank	Complies	All Boundaries
2800 Pleasant Grove Church Rd.	20	24.8%	61.2%
6801 Deerwood Place	30	NA	0.0%
Bells Pointe	26	NA	32.1%
Brookridge, Birklands, Hermitage	5	66.1%	78.2%
Carpenter Firestation Rd.	29	15.5%	15.5%
Carpenter Upchurch Rd.	10	73.9%	73.9%
Cary Oaks, Oak Chase	27	32.0%	32.0%
Dutchman Downs	14	52.8%	70.0%
Evans Road	19	62.8%	62.8%
Grenadier	22	40.1%	40.1%
Hallmark, Holly Run, Surry Ridge	21	34.2%	55.6%
Hemlock Ridge	2	87.4%	87.4%
Holly Brook, Greenwood Acres	15	20.1%	69.4%
Holly Springs Rd/Campbell Rd.	6	40.7%	78.2%
Homestead/Dublin Woods	13	72.2%	72.2%
Howard Road	28	26.2%	26.2%
Jamison Park Phase 1	12	73.7%	73.7%
Jamison Park Phase 2	18	66.0%	66.0%
Jenks Carpenter Rd.	16	69.3%	69.3%
Langston, Wynridge	9	49.4%	74.7%
Medfield Estates	17	58.0%	67.2%
Reedy Creek Rd/Mickey Lane	8	76.0%	76.0
Reedy Creek Road	1	100%	100.0%
Sawyers Mill, Meadow Lake	23	15.2%	34.3%
Summercrest Two	4	43.5%	80.0%
Surry Point, Orchard Knoll	24	21.7%	32.3%
Treyland Estates	7	49.3%	77.5%
Wedgewood Square, South Lake	3	61.1%	82.2%
West Lake Road	25	32.3%	32.3%
Woodland Acres	11	73.8%	73.8%

Current and Future Ability To Serve

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Each study area was evaluated on the Town's ability to provide the areas with existing and/or planned services and facilities. One of the measurements for this criterion is the proximity to public service facilities (e.g., parks, fire stations). This helps provide a more logical extension of boundaries based on existing and future infrastructure planning. Each area was evaluated based on the ability to provide utilities, police, fire, recycling/solid waste and parks and recreation services. The table below reflects the short (S), medium (M) and long (L) term ranking for the areas.

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Table 4: Ability To Serve

Area Name	Utilities	Police	Fire	Recycle/Solid Waste	Parks & Recr.
2800 Pleasant Grove Church Rd.	S	S	S	S	L
6801 Deerwood Place	L	S	M	S	L
Bells Pointe	L	L	M	L	S
Brookridge, Birklands, Hermitage	M	M	M	M	S
Carpenter Firestation Rd.	L	S	M	M	M
Carpenter Upchurch Rd.	S	S	S	S	S
Cary Oaks, Oak Chase	M	L	M	M	L
Dutchman Downs	L	M	M	M	L
Evans Road	S	S	S	S	L
Grenadier	M	L	M	L	L
Hallmark, Holly Run, Surry Ridge	L	L	M	M	L
Hemlock Ridge	M	M	M	M	S
Holly Brook, Greenwood Acres	L	L	M	M	L
Holly Springs Rd/Campbell Rd.	L	M	M	M	M
Homestead/Dublin Woods	L	L	M	S	M
Howard Road	M	S	S	L	M
Jamison Park Phase 1	M	L	M	L	S
Jamison Park Phase 2	M	L	M	L	S
Jenks Carpenter Rd.	S	S	S	S	S
Langston, Wynridge	L	L	L	L	S
Medfield Estates	L	L	M	S	L
Reedy Creek Rd/Mickey Lane	S	S	M	S	M
Reedy Creek Road	S	S	S	S	L
Sawyers Mill, Meadow Lake	L	L	L	L	M
Summercrest Two	M	S	M	M	L
Surry Point, Orchard Knoll	M	L	M	M	M
Treyland Estates	M	L	M	L	L
Wedgewood Square, South Lake	L	L	M	L	S
West Lake Road	L	L	M	L	S
Woodland Acres	S	S	M	S	L

Environmental/Health Concerns

Failure/repairs of wells and septic systems represent a potential need to provide water and sewer to developments to protect the health, safety and welfare of residents and the nearby natural environment. Many residents within the 2002 annexation areas were prompt to replace their wells and septic systems with a reliable public system to address water quality and environmental issues. The age of the septic system and the history of repairs are measurements for potential environmental/health concerns. Wake County Department of Environmental Health has provided the Town information on well/septic system repairs.

Table 5: Environmental/Health Concerns

Name	Develop Yrs	History of Septic System Repairs
2800 Pleasant Grove Church Rd.	N/A	
6801 Deerwood Place	1980s	
Bells Pointe	2000s	
Brookridge, Birklands, Hermitage	80s,90,00	Yes
Carpenter Firestation Rd.	1990s	
Carpenter Upchurch Rd.	1980s	
Cary Oaks, Oak Chase	1990s	Yes
Dutchman Downs	1980s	Yes
Evans Road	1990s	
Grenadier	2000s	
Hallmark, Holly Run, Surry Ridge	1980s	Yes
Hemlock Ridge	1990s	
Holly Brook, Greenwood Acres	80s, 90s	Yes
Holly Springs Rd/Campbell Rd.	1980s	Yes
Homestead/Dublin Woods	1980s	Yes
Howard Road	1980s	
Jamison Park Phase 1	2000s	
Jamison Park Phase 2	2000s	
Jenks Carpenter Rd.	1980s	
Langston, Wynridge	80s,90s	
Medfield Estates	1970s	Yes
Reedy Creek Rd/Mickey Lane	1970s	Yes
Reedy Creek Road	1980s	Yes
Sawyers Mill, Meadow Lake	2000s	
Summercrest Two	1990s	
Surry Point, Orchard Knoll	1980s	Yes
Treyland Estates	1980s	
Wedgewood Square, South Lake	80s,90s	Yes
West Lake Road	1990s	

Woodland Acres	1970s	
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XIII. Recommended Time Periods for Annexation of Study Areas

The results of the above evaluation were used to place each study area within one of three potential time periods for annexation (see Table 6 below). Nine annexation study areas were placed in the 2007-2011 time period. All these area except for one had a contiguous boundary with the Town limits and/or other boundaries (municipal annexation agreement lines, Swift Creek Rural Area) of 61% and higher. Most of these areas are already served by Cary main water and sewer trunk lines and can be effectively served with existing and future Town services and facilities. These areas are also in close proximity to the “core” Town limits

Fourteen areas were placed in the 2012-2016 time period. All of these areas except for one have a contiguous boundary of over 56%. A significant number of these areas have either a history of septic system failure/repair or were developed over 20 years ago suggesting that problems may likely occur in the future. Most of these areas require extension of water and/or sewer facilities that are not planned to be completed in the near future. In addition, most of these areas are adjacent to existing and/or future residential areas that are already receiving Town services; therefore, the ability to serve these areas with police, fire, solid waste and parks and recreation services is not as difficult as more “outlying” annexation study areas.

Seven areas were placed in the Beyond 2016 time period. The majority of these areas have a contiguous boundary of less than 34%. These areas tend to be on the “outer edge” of the Town’s urban service area. Other annexation areas have greater proximity to existing and future town services and facilities.

Table 6: Annexation Study Areas Sorted by Potential Time Periods

Name	Potential Time Periods
Hemlock Ridge	2007-2011
Brookridge, Birklands, Hermitage	2007-2011
Jenks Carpenter Road	2007-2011
Carpenter Upchurch Road	2007-2011
Reedy Creek Road	2007-2011
Reedy Creek Road/Mickey Lane	2007-2011
Evans Road	2007-2011
Woodland Acres	2007-2011
2800 Pleasant Grove Church Road	2007-2011
Holly Springs Road/Campbell Road	2012-2016
Medfield Estates	2012-2016
6801 Deerwood Place	2012-2016
Homestead/Dublin Woods	2012-2016
Dutchman Downs	2012-2016
Grenadier	2012-2016

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Cary Oaks, Oak Chase	2012-2016
Treyland Estates	2012-2016
Holly Brook, Greenwood Acres	2012-2016
Hallmark, Holly Run, Surry Ridge	2012-2016
Surry Point, Orchard Knoll	2012-2016
Jamison Park, Phase 2	2012-2016
Jamison Park, Phase 1	2012-2016
Summercrest Two	2012-2016
Carpenter Fire Station Road	Beyond 2016
Wedgewood Square, South Lake	Beyond 2016
Langston, Wyndridge	Beyond 2016
Bells Pointe	Beyond 2016
West Lake Road	Beyond 2016
Sawyers Mill, Meadow Lake	Beyond 2016
Howard Road	Beyond 2016

Table 7: Evaluation Summary

Area Name	Potential Time Periods	Evaluation
2800 Pleasant Grove Church Road	2007-2011	This area has a contiguous boundary of 61.2% and can be effectively served by essential Town services and facilities (utilities and emergency services). The area is already served by main water and sewer trunk lines
6801 Deerwood Place	2012-2016	This one parcel is not currently contiguous to the town limits but can be with the annexation of Study Area #6 (Medfield Estates). Water and sewer are immediately adjacent to this 0.41 acre parcel.
Bells Pointe	Beyond 2016	This area has a contiguous boundary of %. The area requires utility improvements that are not planned by the Town in the near future. Other annexation study areas have closer proximity to existing and future town services and facilities.
Brookridge, Birklands, Hermitage	2007-2011	This area has a high contiguous boundary (78.2%). The area is already served by sewer trunk lines and a water trunk line to serve Birkhaven will be available in the near future. The area can be served effectively with existing and future town services and facilities.
Carpenter Fire Station Road	Beyond 2016	This area has a low contiguous boundary of 15.5% and the area requires utility improvements that are not planned by the Town in the near future.
Carpenter Upchurch Road	2007-2012	This area has a contiguous boundary of 73.9% and can be effectively served by existing and future town

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		services and facilities. The area is already served by main water and sewer trunk lines
Cary Oaks, Oak Chase	2012-2016	This area has a contiguous boundary of 32%. However, water and sewer trunk mains are generally in close proximity and already under design by the Town. Portions of this area already utilize Town-maintained sewer.
Dutchman Downs	2012-2016	Although this area has a high contiguous boundary (70%), the area requires utility improvements that are not planned by the Town in the near future. The area does have a history of septic system failures which supports placing it in this time-frame for annexation.
Evans Road	2007-2011	This area has a contiguous boundary of 62.8% and can be effectively served by essential Town services and facilities (utilities and emergency services). The area is already served by main water and sewer trunk lines
Grenadier	2012-2016	This area has a contiguous boundary of 61.2%. A trunk sewer project to serve this area is nearing construction phase and has already been funded.
Hallmark, Holly Run, Surry Ridge	2012-2016	This area has a contiguous boundary of 55.6%. The area requires utility improvements that are not planned by the Town in the near future.
Hemlock Ridge	2007-2011	This area has a high contiguous boundary (87.4%). Area is already served by main water and sewer trunk lines. The area can be effectively served with existing and future town services and facilities.
Holly Brook, Greenwood Acres	2012-2016	This area has a contiguous boundary of 69.4%. The area requires utility improvements that are not planned by the Town in the near future.
Holly Springs Road/Campbell Road	2012-2016	Although this area has a high contiguous boundary (78.2%), the area requires utility improvements that are not planned by the Town in the near future.
Homestead/Du blin Woods	2012-2016	Although this area has a high contiguous boundary (72.2%), the area requires utility improvements that are not planned by the Town in the near future.
Howard Road	Beyond 2016	This area has a contiguous boundary of 26.2%. Trunk water lines are available and trunk sewer line should be available in the future. However, other annexation study areas have closer proximity to existing and future town services and facilities.
Jamison Park, Phase 1	2012-2016	This area has a contiguous boundary of 73.7%. Jamison Park is in close proximity to water trunk lines and already utilizes Cary sewer service which support placing it within this annexation time frame.

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Jamison Park, Phase 2	2012-2016	This area has a contiguous boundary of 66.0%. Jamison Park is in close proximity to water trunk lines and already utilizes Cary sewer service which support placing it within this annexation time frame.
Jenks Carpenter Road	2007-2012	This area has a contiguous boundary of 69.3% and can be effectively served by existing and future town services and facilities. The area is already served by main water and sewer trunk lines
Langston, Wyndridge	Beyond 2016	This area has a contiguous boundary of 74.7%. The area requires utility improvements that are not planned by the Town in the near future. Other annexation study areas have closer proximity to existing and future town services and facilities.
Medfield Estates	2012-2016	Although this area has a contiguous boundary of 67.2%, the area requires utility improvements that are not planned by the Town in the near future. The area does have a history of septic system failures which supports placing it in this time-frame for annexation.
Reedy Creek Road	2007-2011	This area has a highest contiguous boundary (100%) and can be effectively served with existing and future town services and facilities. The area is already served by main water and sewer trunk lines.
Reedy Creek Road/Mickey Lane	2007-2011	This area has a high contiguous boundary of 76%. The area represents an annexation infill area and can be effectively served by existing and future town services and facilities. The area is already served by main water and sewer trunk lines.
Sawyers Mill, Meadow Lake	Beyond 2016	This area has a contiguous boundary of 34.3%. The area requires utility improvements that are not planned by the Town in the near future. Other annexation study areas have closer proximity to existing and future town services and facilities.
Summercrest Two	2012-2016	This area has a high contiguous boundary of 80.0%. A trunk water line is available; however, trunk sewer lines may be required to serve the area in the future.
Surry Point, Orchard Knoll	2012-2016	This area has a contiguous boundary of 32.3%. The area requires utility improvements some of which are planned and some that are not planned by the Town in the near future.
Treyland Estates	2012-2016	This area has a high contiguous boundary of 77.5%. The area requires utility improvements some of which have been planned and funded by the Town. Water is adjacent although a trunk water extension that has been funded. A small sewer outfall would be necessary to provide sewer service.

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Wedgewood Square, South Lake	Beyond 2016	This area has a high contiguous boundary of 82.2%. However, other annexation study areas have closer proximity to existing and future town services and facilities.
West Lake Road	Beyond 2016	This area has a contiguous boundary of 32.3%. The area requires utility improvements that are not planned by the Town in the near future. Other annexation study areas have closer proximity to existing and future town services and facilities.
Woodland Acres	2007-2011	This area has a high contiguous boundary (73.8%) and can be effectively served with existing and future town services and facilities. The area is already served by main water and sewer trunk lines

XIV. Summary and Contacts

The Comprehensive Annexation Program document has been developed with extensive feedback from the public through three informational meetings and two citizen focus groups. Through its development, this program has:

- Established a program that includes policies and objective criteria that guide future annexation decisions and provides for an orderly and predictable extension of our municipal boundaries;
- Informed residents and property owners impacted by future annexation of the implications of annexation, the costs and benefits and what to expect in the process; and
- Identified annexation study areas and potential time-periods for annexation.

To assist in the effectiveness of this program, it will be reviewed at least every two years for possible modification.

For further information on this document please contact the following Town departments:

Overall Questions:
Planning Department
Phone: 919-469-4082
E-mail: annexation@townofcary.org

Utility Questions:
Engineering Department
Phone: 919- 469-4030

**POLICY STATEMENT 23
WATER AND WASTEWATER SYSTEM EXTENSION
AND CONNECTION POLICY**

Prepared by: Jamie Revels, P.E., Engineering Department
Supersedes: Policy Statement, No. 23 (January 9, 2003)
Adopted by Council: *(January 13, 2005)*
Effective: *(July 1, 2005)*

1.0 PURPOSE

The purpose of this policy is to provide an equitable mechanism by which the Town of Cary can plan and extend the municipal water and wastewater systems to serve the needs of the citizens of Cary and those in the Cary utility service area.

2.0 COVERAGE

This policy upon adoption by the Town Council shall be applicable to all areas within Cary's utility service area. All new development connecting to the Town utility system shall have access to public water and sanitary sewer in accordance with the most recent version of the Town of Cary, Code of Ordinances.

3.0 GENERAL

All utility infrastructure including, facility upgrades and system improvements, new facilities and system extensions shall fully comply with all applicable Town design standards and shall be designed and constructed in accordance with the Town's long-range "Water and Wastewater System Master Plans" where applicable or as approved by the Director of Engineering.

Requests for utility extensions and/or connections shall be submitted to the Town. Applications for utility extensions shall be accompanied by engineering design plans sealed by a licensed Professional Engineer. All proposed water and/or sewer extensions or facility upgrades shall be permitted by the Town prior to construction.

All new individual connections to the water and/or sewer system whether in a new development, existing development or newly annexed area shall require the payment of development/impact fees to reserve capacity in the utility system.

When tapping new mains under construction or active mains under warranty, developers shall be required to make their own utility connections, and they are not required to pay Utility Connection Fees. In cases where developers must tap existing mains, the developer must submit an application to the Inspections and Permits Department

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requesting permission to connect to the Town water and/or sanitary sewer system. Developers or contractors are not allowed under any circumstance to establish a connection to the Town water and/or sanitary sewer system without the written consent of the Town.

All utility easements required for system extensions or facility upgrades shall be dedicated to the Town in accordance with the Town's Standard Specifications and Details.

When a property that has been supplied by a well or alternate source of water requests a connection to the Town water system, the well shall be completely disconnected from any structure connected to the Town water system. Under no circumstance shall a well be connected to the Town water system.

In the event that a sewer extension is installed within twenty-five (25) feet of a private well, the well shall be abandoned in compliance with State regulations and the property owner shall be required to connect to the Town water system regardless of proximity to the nearest water main.

In the event that a resident requests sewer service only and the resident is not required to connect to the Town water system, the resident will be required to install a meter on their well or other source of water for the purpose of sewer billing.

In order to minimize public health and safety risks, such as septic failure, well failure, inadequate water supply for fire protection or substandard water quality from well water, the Town Council may order utility extensions into unserved areas without a request of the property owners in the area.

4.0 FEES

4.1 Development Fees

Development fees provide a mechanism for the Town to increase the capacity of the overall utility system as new impacts are added. The Town requires the payment of water and/or sewer development fees for all new or existing properties that intend to connect to the Town utility system, regardless of their location or proximity to the Town Limits. Payment of development fees shall be made to the Town before a building permit is issued for new projects.

In older or previously established areas, the water development fees shall be due when a water meter is requested. For sewer connections, the sewer development fees shall be due when a plumbing permit is issued for the installation of the private, sewer service lateral. Requests for water meters and/or plumbing permits for private service lines shall be submitted to the Town before private service lines are constructed.

The schedule of development fee rates will be available for public viewing at the office of the Inspections and Permits Department. Development fee rates may be updated

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annually in the “Utility Capital Improvements Budget Ordinance” and typically become effective on July 1 following adoption of the budget ordinance at the beginning of each fiscal year. Payment of development fees is the only mechanism that reserves capacity in the water and/or sanitary sewer system for an individual requesting utility service.

Development fees shall be due for all water and sewer connections to the Town utility system without exception, regardless of who makes the connection.

4.2 Utility Connection Fees

Utility connection fees shall be collected in instances where a property owner has requested a connection to an existing or proposed utility main. The utility connection fees have been established to reimburse the Town for expenses incurred while Town staff members or staff otherwise under contract to the Town make the requested utility connection(s). The schedule of “Utility Connection Fee” rates will be available for public viewing at the office of the Inspections and Permits Department. Utility Connection Fee rates may be updated annually in the “Utility Capital Improvements Budget Ordinance” and typically become effective on July 1 following adoption of the budget ordinance at the beginning of each fiscal year.

For individual requests, the total amount due for the payment of utility connection fees shall be determined by the Inspections and Permits Department after field evaluations are conducted by the Public Works and Utilities Department to assess which charges are applicable. Utility connection fees shall be paid to the Town before a work order will be issued. The utility connection fees shall include tapping the water and/or sewer main and providing a utility service connection at the edge of the public right-of-way or easement. For individual requests, all required site restoration work including pavement repair, curb and gutter repair, sidewalk repair and boring shall be included in the utility connection fee.

For Town funded projects constructed by outside contractors, utility connection fees will also be levied. The applicable utility connection charges for Town funded projects will be the water and sewer “Full Service Base Tap” charges as adopted annually by Town Council in the Operating Budget. For Town funded projects, additional connection charges beyond the standard “Full Service Base Tap” charges will not be levied. With Town funded projects, discounts of standard connection charges may be allowed. See section 6.5 for further details.

4.3 Availability Fees

The Town may collect availability fees from all property owners inside the corporate limits where water and/or sewer service has been made accessible and adjacent to existing developed property but the property owner has chosen not to connect. Any property with a residential dwelling or operating commercial or institutional establishment shall be liable for the payment of availability charges. The availability charges shall be collected to reimburse the Town for the construction and maintenance costs of water and/or sewer mains adjacent to the property. In cases where the property owner chooses to connect to the existing utility service, the availability charge(s) will

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cease to be collected upon the owner's payment of all applicable development fees and approved connection(s) to the utility system. The schedule of availability charges will be available for public viewing at the office of the Inspections and Permits Department. The rate for collection of water availability and sewer availability charges may be updated annually in the "Utility Capital Improvements Budget Ordinance" and typically become effective on July 1 at the beginning of each fiscal year.

5.0 UTILITY SYSTEM EXTENSION AND CONNECTION

5.1 Improvements to Existing Property

Any improvements to existing developed property within the corporate limits requiring either new or expanded well and/or septic capacity shall connect to the Town utility system when the property is adjacent to an existing water and/or sewer main and another owner's private property does not have to be crossed to make the connection. In the event that there are no adjacent water and/or sewer mains available, the property owner may construct a private well and/or septic system as approved by Wake County. If the property cannot support a new or expanded well or septic system, the owner shall make an approved connection to the Town utility mains if they are within 300-ft of the owner's property boundary in accordance with Wake County regulations.

5.2 Proposed New Development

The owner or developer of a parcel or tract of land is required by the Code of Ordinances to construct, at no expense to the Town, all on-site water and/or wastewater facilities. All water and sewer extensions shall be made at the sole expense of the Owner unless otherwise stated by written agreements with the Town that are approved by Council.

The developer shall provide all connections and extensions of the water and wastewater facilities from the development, including all properties inside the development, to the existing utility system of the Town in accordance with all applicable Town standards, specifications and long range master utility plans. All planned extensions of the Town water and wastewater system shall have engineering design plans prepared and submitted to the Town for review and approval prior to construction. No water and wastewater facilities, extensions or connections shall be constructed without written approval and inspection by the Town.

5.3 Utility System Extension and Connection Outside the Town Limits

All applicants requesting utility connections outside the Town limits are required to submit a petition of annexation and/or annexation agreement along with a utility extension and/or connection request. All voluntary annexation requests accompanied by the corresponding utility connection requests shall be submitted to the Town for approval. All requests for utility extensions and connections outside the Town Limits shall be reviewed on a case by case basis by the Town prior to approval.

A utility connection outside the Town limits will not be allowed until the Town Council has adopted the ordinance of annexation, annexation agreement, or except in cases of

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emergency. The Town Council, at its discretion, may incorporate additional requirements as conditions for adoption of the annexation ordinance.

The applicant shall pay all required fees and fulfill the developer obligations outlined herein for providing all on-site water and/or wastewater facilities, extensions and connections of the proposed water and wastewater facilities to the existing utility system of the Town.

If the applicant is allowed to connect to the utility system before the annexation becomes effective, the applicant shall pay current outside utility rates until the property is incorporated into the Town limits. All utility rates are updated annually and are available for public viewing.

6.0 TOWN FUNDED UTILITY EXTENSIONS

6.1 Existing Developed Property

Owners of developed property inside the Town limits with existing structures on their property, including newly annexed residents may petition the Town Manager for the extension of water and/or sewer mains funded by the Town. In order to be considered for Town funded utility extension projects, the property owners must first meet the following eligibility and minimum area requirements. In compelling cases, any or all of the following eligibility or minimum area requirements may be waived.

Applicants who choose to request water only or sewer only may be required to request both water and sewer at the discretion of the Town. Factors that will be considered for approving Town funded utility extension projects are the size of the area, number of property owners requesting utility connections, proximity to the existing Town system, buyout arrangements with the current service provider, funding limitations and the age of existing facilities.

6.2 Eligibility Requirements

Property will not be considered for Town funded utility extension projects without meeting the following eligibility requirements.

- a) The property must be within the Town's corporate limits.
- b) The property must be developed.
- c) The property must have a dwelling or other operational structure onsite.
- d) The property shall be subdivided in accordance with Town zoning codes.
- e) The property shall not be undergoing rezoning.
- f) Individual properties shall not be undergoing expansion or improvement.

Eligible property owners may formally request utility extensions by submitting a petition to the Town Manager. The petition must meet the requirements outlined herein and the property owners requesting utility extensions must meet the following minimum area requirements.

6.3 Minimum Area Requirements

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Property owners petitioning for Town funded water and sewer service must meet the following minimum area requirements prior to submitting their petition.

- a) The minimum area shall not be less than a street length between intersections and shall consist of at least 10-properties requesting utility connections.
- b) For water extension requests, the area shall extend to the nearest available Town water main. In certain cases, it may not be possible to connect the proposed area to the closest water main because of access limitations. In these cases, the closest available water main along a passable alignment shall be considered.
- c) For sewer extension requests, the area shall extend to the closest available existing sewer main within the same drainage basin as the area under consideration. For sewer construction, the closest available sewer main shall be one that is at a lower elevation than the proposed area and for which a passable route exists between the proposed area and the existing sewer main.
- d) Additional requirements as recommended by the Engineering Department.

The Town may decide to increase the minimum area requirements based on the overall size and type of area under consideration for proposed utility extensions.

6.4 Petition Requirements

Petitions for Town funded water and/or sewer extensions shall sufficiently satisfy the following criteria. Petitions that do not sufficiently meet the following criteria will not be considered.

- a) The petition must be signed by more than fifty (50%) percent of the owners of property adjacent to the proposed utility extension(s) and those property owners shall own more than fifty (50%) percent of the road frontage along the alignment of the proposed extension(s). The proposed alignment must extend to the existing Town utility system.
- b) If the property deed is registered in the name of one owner or spouse, then only that person's signature is required for the petition. If the property deed is registered in the name of multiple parties, then all owners' signatures are required as they are recorded on the property deed.
- c) Property owners who own more than one property adjacent to proposed utility extensions must sign the petition for each of their properties within the project area.

All sufficient petitions shall require language notifying the property owners of the following items:

- a) A statement of the development fees in effect at the time of petition signing.

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- b) A statement of the connection fees in effect at the time of petition signing.
- c) A statement of all applicable discounts available by participating in the petition for water and/or sewer service.
- d) A statement that all applicants registering on the petition will be required to pay their development fees and applicable connection charges prior to the Town extending utility mains.

All petitions shall be submitted to the Engineering Department to verify sufficiency prior to being considered for approval by the Town Manager. Only verified, sufficient petitions will be considered. After a petition has been deemed sufficient and the property owners have met all established requirements, the Town will prepare a recommendation for the Town Manager to order the extension of utilities. The Town Manager shall have the option of ordering the utilities installed, requesting additions or modifications to the service area, rejecting the request, or submitting the request to Council for further deliberation. The Town Manager's decision shall be final and rejected requests will not be reconsidered for 2-years after the first request was rejected. If the improvements are ordered, Town funding will be allocated to complete the proposed work.

6.5 Incentives and Discounts

Residents petitioning for water and sewer service, who have initiated a sufficient petition that has been approved by the Town for design and construction will be eligible to waive 50% of the applicable connection charges. Development fees will not be discounted. In order to receive the 50% discount of connection charges, residents must apply with the Town either by petition or by contacting the Engineering Dept. following petition approval. Requests initiated after the project begins construction will not be eligible for the discount.

6.6 Implementation of Town funded Utility Extension Project:

Upon acceptance of the sufficient petition and issuing an order to proceed with the extension of the utility mains, the Town will prepare plans to extend utility mains into the area requesting service. For requests that meet the requirements described herein, no assessments will be levied upon the property owners. All property owners registered on the sufficient petition will be responsible for paying at least (2/3) two-thirds of their applicable development fees and connection charges prior to the Town advertising a construction contract to extend the proposed utility mains.

Property owners petitioning for utility extensions will have the option of paying their required development fees and connection charges in full, prior to the Town advertising the construction contract for the installation of the utility mains. As a secondary option, the property owners may choose to pay their development fees and connection charges in (3) three equal installments. The installment option would consist of (3) separate installment payments due throughout the design and construction process. The first installment would consist of (1/3) one-third of the total fee balance, and this payment would be due within (60) sixty days of the petition being approved by the Town

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Manager. The second installment would be due prior to the Town advertising the construction contract for installation of the proposed water and sewer mains. Advertising for a Contractor to install the proposed water and sewer mains will not begin until the second installment has been received by all of the petitioning property owners. The third and final installment will be due at the discretion of the property owner. For property owners who connect to the newly extended utility service and initiate a utility account with the Town, the final installment will be due prior to activating their utility service. For property owners who do not wish to connect to utility service, their final installment will be invoiced and billed to them no sooner than (60) sixty days after the utility construction has been completed by the Town. Construction will be deemed complete after final payment has been made to the Contractor.

Property owners who have paid their development fees and connection charges in full, prior to construction will be permitted to connect to Town utility service as soon as the newly constructed water and/or sewer mains have been accepted by the Town. They will be required to obtain a plumbing permit from the Inspections & Permits Department prior to installing their private utility service lines. Potential water customers will also be required to apply for a water meter.

The Town reserves the right to withdraw support for utility extension projects in cases where petitioned applicants fail to pay the required development fees and connection charges in accordance with the schedule of payments outlined herein.

6.7 Non-Petitioning Property Owners:

Property owners who have not paid their development fees and connection charges prior to construction will have the option of requesting service within 90-days of being contacted by the Town with no penalty. The Town will contact property owners after the construction contract for the utility extension project has been advertised. Property owners will have 90-days from the date they are contacted to request a utility connection by paying development fees plus the applicable connection charges. They will also be solely responsible for obtaining their plumbing permit and installing the private service line from their structure to the public right-of-way. The development fees and connection charges will be due and payable before the 90-day period elapses. After the 90-day period expires, any forthcoming requests shall be subject to both development fees and non-discounted utility connection fees payable prior to the establishment of a utility connection. Property owners that choose not to connect to newly extended water and/or sewer service shall also be liable for the payment of availability fees. The availability fees will be billed to the property owner after the service has been made available and the 90-day period has elapsed. The availability fees will be billed monthly until such time that the property owner connects to the utility service.

6.8 Alignment and Location of Proposed Utility Mains

The Town reserves the right to choose the alignment and location of the requested utility mains. The Town shall not be obligated to replace landscaping, irrigation systems, or any other privately owned obstructions within the existing right-of-way or utility easement at

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the time of construction, nor will the Town be obligated to compensate property owners for the removal of such obstructions.

In isolated cases, sewer connections requested by property owners may not be feasible, as determined by the Director of Engineering due to the unique topography of the area. In these cases, the property owners shall be responsible for installing private pumps stations or other alternate methods as necessary to connect to an adjacent sewer main extended by the Town. Should the property owner decide not to install a private pump station or alternate connection to the sewer system, the property owner shall be solely responsible for maintenance and repair of the existing septic or waste disposal system serving the property.

6.9 Maximum Depth of Sewer Mains

The Town shall not be obligated to provide gravity sewer service to any structure at an elevation lower than 8-ft below the crown of the street directly adjacent to the structure. In these circumstances, property owners may be responsible for private pump station construction or other alternate methods as required to serve their property. In most cases, the Town will not install sewer mains deeper than 8-ft unless the property owner(s) agrees to compensate the Town for the added expense of installing the proposed main deeper than 8-ft. The Town Engineering Department shall be solely responsible for quantifying the additional expense required for sewer installations deeper than 8-ft.

7.0 UTILITY SYSTEM INFRASTRUCTURE REIMBURSEMENTS

7.1 Proposed New Development

In instances where Town funding is available for the types of system extensions and facility upgrades that are beyond the scope of infrastructure required for a specific development project, the developer may enter into a reimbursement agreement with the Town. Approval of facilities under reimbursement agreements shall be contingent upon receipt of all Town and State approvals and the availability of sufficient water supply and/or wastewater treatment capacity.

The extension of water and/or wastewater systems beyond the needs of the development shall be accomplished by one or more of the following methods as recommended by the Director of Engineering and approved by the Town Council.

7.2 Oversize Reimbursement

Under this method, the developer shall be responsible for the full cost of installing water and/or wastewater facilities within their own properties and for the connection of their system to the Town's existing utility system. The Town may share in the cost of constructing oversized facilities when larger sizes are required to serve other tracts outside of the tract being developed.

Town reimbursement of developer funded facilities will be made for the difference in cost between facilities required for the development and oversized facilities required by the Town. The methodology of sizing facilities shall be as specified by the Town's

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Master Utility Plans and as approved by the Director of Engineering. In no instance shall the Town of Cary reimburse for water or wastewater lines eight (8) inches or less in diameter.

All applications for reimbursement shall comply with the provisions of Policy Statement No. 96, Oversize Reimbursement Requests.

7.3 Developer Funded Reimbursement Contracts

In instances where the Town Council deems it beneficial to approve such a project, the developer may enter into a reimbursement contract with the Town. Any reimbursement contract would provide for developer funding of the entire project with reimbursement to the developer for those costs in excess of the required payment of development fees, basic infrastructure necessary to serve the development and assessments where applicable. Reimbursements paid to the developer would come from development fees paid by other subsequent developing properties within the service area benefiting from the facility improvements. Any reimbursement contract shall comply with the provisions of this policy statement regarding the details and provisions of reimbursement contracts and shall be contingent upon approval by the Town Council.

Reimbursement contracts may be made available as a funding alternative for developing properties within the “land use” planning areas of the Town and to intervening properties in the case of satellite annexations.

Costs eligible for reimbursement under this concept shall include all off-site water and/or wastewater facilities and on-site facilities of a regional nature.

All reimbursement contracts shall be two party agreements between the Town of Cary and a developer or coalition of developers and shall be approved by the Town Council prior to construction of the water and/or wastewater facilities.

The term of any reimbursement contract shall run from the execution of the contract by all parties until the Town’s obligation for reimbursement has been met up to, but not exceeding a period of ten (10) years from the date of contract execution, whichever expires first. The contract may be terminated (at any time) by unanimous consent of all parties.

The developer shall prepay all development fees to the Town, prior to award of any construction contract utilizing reimbursement funding. Only construction costs shall be eligible for reimbursement or fee credits.

The Town shall make reimbursement payments to the developer on an annual basis from development fees collected within the service area benefited by the project. A map delineating the benefited service area from which development fees will be collected and reimbursed will be prepared by the Engineering Department and made an exhibit to the reimbursement contract.

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By entrance into a reimbursement contract, the Town makes no guarantee as to the availability of water supply and/or wastewater treatment capacity beyond that which would be available to any other developing properties.

It may be feasible in certain cases to utilize developer-funded, reimbursement contracts in addition to assessments to fully fund utility extensions. In these cases, the Town shall be responsible for the design, construction, easement acquisition and all approvals for the utility extension project and the following conditions shall apply:

- a) The developer shall prepay all development fees as previously stated.
- b) The developer shall remit to the Town in one lump sum the difference between the total project cost derived from actual bid amounts plus a fifteen (15%) percent contingency and the prepaid development fees.
- c) The developer shall provide surety in the form of a cash bond. In lieu of a cash bond, an irrevocable letter of credit with no expiration date may be posted prior to award of the construction contract.
- d) Progress payments for the construction contract(s) shall utilize the prepaid development fees prior to drawing upon any letter of credit.
- e) Following completion of construction, the final project costs shall be calculated, as well as any applicable assessment fees, to determine the reimbursable amount.
- f) Following acceptance of the project(s) by the Town, the letter of credit shall be released by the Town of Cary.

7.4 Developer Funded – No Reimbursement

In those instances where funding is not available under any other provisions of this policy statement, the developer shall fund the full cost of installing all water and/or wastewater facilities and utility system extensions with no reimbursement. All facilities installed under this method shall fully comply with Town design standards and all master water and/or wastewater system design plans. No waivers shall be granted without the written consent of the Director of Engineering.

End of Policy Statement No. 23

POLICY STATEMENT 135

SIDEWALK REQUESTS

Prepared by:	Russ Overton, P.E., Engineer
Adopted by Council:	7/11/02
Effective:	7/11/02

Purpose

To adopt an official policy pertaining to sidewalk construction requests from citizens along residential and collector streets through residential areas. Staff will continue to take individual citizen requests for sidewalks along thoroughfares and in non-residential areas to provide for safer and more enjoyable non-motorized travel.

Coverage

This policy upon adoption by the Town Council shall be applicable to all sidewalk construction requests until such time that the policy statement is altered, modified, or rescinded by the Town Council.

Policy

The Town Council of the Town of Cary hereby establishes the following policy to ensure that sidewalk requests along residential and collector streets through residential areas receive the support of the community.

Citizens may submit requests for sidewalk construction to the Engineering Department. In order for a sidewalk request to be considered, a petition shall be submitted with the request. Staff will provide the requestor with a map and addresses of the “area of influence.” The sidewalk request requires 70% acceptance by homeowners within the “area of influence.”

Assuming the request meets the qualifying criteria the request will be placed on the Town’s Annual Sidewalk Priority List. Requests that are placed on the Town’s Annual Sidewalk Priority List will be rated once a year based on the criteria included on the attached Sidewalk Rating Sheet. Staff will estimate construction costs, rate, and rank all sidewalk requests received yearly and present an annual sidewalk priority list to Town Council for approval of projects that can be constructed with the budgeted funds from the current Capital Improvements Budget. Some locations will

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be divided into multiple phases when the construction costs become excessive and where a logical breaking point can be determined.

Qualifying Criteria:

1. Streets along which sidewalk is to be installed shall be paved and have curb and gutter along both sides.
2. There shall be at least six (6) feet of right-of-way between the back of curb and the adjoining property line.
3. The sidewalk shall be installed in accordance with the Town of Cary Standard Specifications and Details.

SIDEWALK RATING SHEET

Date: _____
 Rated By: _____
 Sidewalk On: _____
 From: _____
 To: _____

Criteria	Measure	Weight	Rating
Average Daily Traffic (ADT)	ADT Scale (See Below)	___	4
Current Pedestrian Use	Scale of 1 - 10 1 - No Worn Path/No Pedestrians 10 - Worn Path/Many Pedestrians	___	5
School Proximity	Scale #1 (See Below)	___	5
Public Park/Recreation Facility Proximity	Scale #1 (See Below)	___	4
Development Activity Center Proximity	Scale #1 (See Below)	___	4
Greenway Proximity	Scale #1 (See Below)	___	4
Existing Sidewalk Proximity/Connectivity	Scale #2 (See Below)	___	3
Mass Transit Stop Proximity	Scale #1 (See Below)	___	2
Other Factors (Right-of-Way, Curb & Gutter, Utilities, Topo, Etc.)	Scale of 1 - 10 1 - Most Problems 10 - Fewest Problems (Determined Subjectively)	___	3
Consecutive Years on Priority List	Indicate Number of Consecutive Years the Specific Location has been on the List	___	2
Total:			

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ADT SCALE		SCALE #1		SCALE #2	
10	> 18,000 Vehicles / Day	10	0 – 0.25 mile	10	0 – 0.1 mile
9	16,000 – 18,000	9	0.25 – 0.5 mile	8	0.1 – 0.2 mile
8	14,000 – 16,000	8	0.5 – 0.75 mile	6	0.2 – 0.3 mile
7	12,000 – 14,000	7	0.75 – 1 mile	4	0.3 – 0.4 mile
6	10,000 – 12,000	6	1 – 1.5 miles	2	0.4 – 0.5 mile
5	8,000 – 10,000	5	1.5 – 2 miles	0	> 0.5 mile
4	6,000 – 8,000	4	2 – 3 miles		
3	4,000 – 6,000	3	3 – 4 miles		
2	2,000 – 4,000	2	4 – 5 miles		
1	< 2,000	1	> 5 miles		

<p>If ADT Not Available: Residential Street or Cul-De-Sac = 1 Collector Street = 2 Marginal Access Street = 3</p>

**POLICY STATEMENT 13
STREET LIGHTING**

Prepared by:	Engineering Department
Supersedes:	11/21/2002
Adopted by Council:	09/09/2004
Effective:	09/09/2004

POLICY PURPOSE

The purpose of this statement is to adopt an official policy for the Town of Cary pertaining to the installation of street lights for the purposes of traffic safety and crime control.

COVERAGE

This policy, upon adoption, shall apply to all public rights of way within the municipal limits of the Town of Cary and any public rights of way annexed in the future until such time that the Policy Statement is altered, modified, or rescinded by the Town Council.

POLICY

The Town Council of the Town of Cary hereby establishes the following policy.

- A. The owner, developer, or subdivider of a site plan or subdivision, shall be required to install street lighting via underground contribution, unless specifically approved otherwise by the Director of Engineering, along all proposed streets and along all existing streets, which adjoin the property, in accordance with this policy.
- B. Through the site plan and subdivision plan approval process, the Director of Engineering may approve street lighting which exceeds the standard Town requirements for residential streets so as to reduce the length of sag vertical curves provided the street lights are operational prior to the issuance of any Certificates of Occupancy on such street. In any case, the minimum allowable length of sag vertical curves shall be as follows: residential streets - 20A; cul-de-sacs and loop streets - 15A.
- C. All underground electrical distribution systems for street lighting within the corporate limits of the Town of Cary and its Extraterritorial Planning Jurisdiction shall be installed according to the following standards:
 - 1. Underground service for light fixtures shall be installed by the developer in conformance with Progress Energy and Town of Cary standards at the developer's expense.

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2. The placement of street lighting fixtures on residential streets shall be at 400 to 600 foot intervals unless:
 - a. the roadway length is less than 400 feet but more than 200 feet in which case a street light will be provided at the end of the street; or
 - b. where the roadway length is less than 200 feet and a street light is placed at the intersection and no natural features create a problem, no street light will be placed at the end of the roadway; or
 - c. the vertical and horizontal street alignment or natural features necessitate shorter spacing intervals.
 3. The placement of street lighting along non-residential streets shall be in accordance with the latest revision of the Illuminating Engineering Society's "American National Standard for Roadway Lighting."
 4. A street light shall be provided at all street intersections.
- D. Standard street light fixtures shall be enclosed high pressure sodium Cutoff Cobrahead lamps and conform to the following:
1. All fixtures on residential streets shall be either 5800 or 9500 lumen lamps on Progress Energy standard gray fiberglass poles twenty-five (25) feet in height. The 5800 lumen fixture shall be placed only at the "neck" of cul-de-sacs.
 2. All fixtures along thoroughfares shall be 16,000 or 28,500 lumen lamps on Progress Energy standard gray fiberglass poles thirty (30) feet in height or 50,000 lumen lamps on Progress Energy standard gray fiberglass poles thirty-five (35) feet in height. The 16,000 or 28,500 lumen fixtures shall be placed in residential areas when spillover from the 50,000 lumen fixtures would be excessive.
- E. Authorization for street light installations shall occur at such time as:
1. A developer, through the Town of Cary, requests the installation of street lights prior to the issuance of any Certificates of Occupancy. The developer shall incur a monthly electrical expense billed from Progress Energy equal to the monthly electrical expense incurred by the Town of Cary, for each street light installed. The developer will be billed by Progress Energy for the period beginning with installation of the street light and ending with notification to the Town of Cary, by the Developer, of issuance of a Certificate of Occupancy in the immediate area of each street light location.
 2. A Certificate of Occupancy is issued in the immediate area of the proposed street light location.

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3. A street is constructed or widened as a part of development. Streets that are constructed or widened by the Town of Cary shall be lighted immediately after construction, dependent on the availability of funds.
- F. Street lighting facilities and street lights shall be installed by the developer on any street, portion of street, or widening prior to the Town of Cary's acceptance of that street for total maintenance unless otherwise approved by the Director of Engineering. In the event street lighting has not been installed, the owner, developer, or subdivider may submit payment to the Town prior to acceptance of total maintenance. Payment shall be based on a cost estimate provided by Progress Energy or the Engineering Department for street light installation.
 - G. Residents along a street may request the relocation of a street light provided the proposed street light location meets Town standards and the relocation is approved by the Engineering Department. Residents living at the cul-de-sac end of a street may request the replacement of an existing 9500 lumen street light fixture with a 5800 lumen street light fixture. A petition, signed by all persons within the area of influence, is required for the relocation or replacement of street lighting and shall include information on the specific location and associated construction impacts. The Engineering Department shall determine the area of influence on a case by case basis and provide the required petition for the residents to complete. Relocation or replacement cost and all facilities abandonment costs must be paid in full to Progress Energy, in advance, by the resident(s) requesting the relocation or replacement.
 - H. Residents along a street may request additional street lighting, beyond that already installed, provided current street lighting does not meet Town standards and the requested additional street lighting is approved by the Engineering Department. A petition, signed by all persons within the area of influence, is required for additional street lighting and shall include information on the specific location and associated construction impacts. The Engineering Department shall determine the area of influence on a case by case basis and provide the required petition for the residents to complete. After the petition is completed and approved by the Engineering Department, the Town will process the request and pay all costs associated with street light installation.
 - I. Upon annexation, residents along a street may request additional street lighting, beyond that already installed, provided current street lighting does not meet Town standards and the request includes an approved petition. The Engineering Department shall contact Progress Energy for the street lighting layout, including associated construction impacts and installation costs. An approved petition for additional street lighting shall include the street lighting layout, associated construction impacts and signatures of 70% of residents within the area of influence. The Engineering Department shall determine the area of influence on a case by case basis and provide the required petition for the residents to complete. After the petition is completed and approved by the Engineering Department, the Town will process the request and pay all costs associated with street light installation.
 - J. A developer or Homeowner's Association (HOA) may request non-standard street lighting within a development provided:

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1. Street light fixture types and locations must be approved by the Town of Cary.
2. The developer and/or HOA shall be responsible for all installation costs and monthly operating costs associated with non-standard street lights.
3. The developer and/or HOA shall be responsible for any costs associated with deletion of non-standard street lights and any costs associated with installing the Town's standard street lights prior to the expiration of the ten (10) year contract with Progress Energy.
4. The developer shall include all responsibilities of the HOA pertaining to the non-standard street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.
5. Non-standard lighting shall not be used on thoroughfares.
6. Developers of private streets shall be required to install private street lighting in accordance with this policy, with the exception that the Homeowner's Association will not have the option of deleting the private street lighting at any time in the future.

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Appendix 4

A RESOLUTION IDENTIFYING THE AREAS DESCRIBED HEREIN AS BEING UNDER CONSIDERATION FOR ANNEXATION AND NOTIFICATION TO CERTAIN PROPERTY OWNERS OF THEIR RIGHTS TO DELAYED ANNEXATION OF QUALIFIED PROPERTIES

BE IT RESOLVED by the Town Council of the Town of Cary that:

Section 1. Pursuant to G.S. 160A-49(i), the following described areas are hereby identified as being under consideration for future annexation by the Town of Cary, under the provisions of Chapter 160A, Article 4A, Part 3, of the General Statutes of North Carolina:

Identification of Areas

Area Name	General Location
2800 Pleasant Grove Church Road	Northeast Cary fringe; vicinity of I-40 and Airport Boulevard intersection
6801 Deerwood Place	Northeast Cary; existing 'doughnut hole' within a satellite annexation area
Bells Pointe	Southeast Cary fringe; south of Ten Ten Road and west of Bells Lake Road; north of planned I-540 outer loop
Brookridge, Birklands, Hermitage	Southeast Cary fringe; north of Penny Road, west of Holly Springs Road
Carpenter Fire Station Road	West Cary; east of NC Highway 55 along Morrisville-Carpenter Road
Carpenter Upchurch Road	West Cary; north of High House Road between Davis Drive and NC Highway 55
Cary Oaks, Oak Chase	Southeast Cary fringe; west of Holly Springs Road between Ten Ten Road and Arthur Pierce Road
Dutchman Downs	Southeast Cary fringe; south of Penny Road and north of Ten Ten Road; west of Holly Springs Road
Evans Road	Northeast Cary; between NW Cary Parkway and NW Maynard Road; part of an existing 'doughnut hole'

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Grenadier	Southeast Cary fringe; south of Ten Ten Road, north of Arthur Pierce Road
Hallmark, Holly Run, Surry Ridge	Southeast Cary fringe; east of Kildaire Farm Road and west of Holly Springs Road
Hemlock Ridge	Southeast Cary fringe; north of Penny Road, east of Kildaire Farm Road
Holly Brook, Greenwood Acres	Southeast Cary fringe; east of Stephenson Road and west of Kildaire Farm Road
Holly Springs Road/Campbell Road	Southeast Cary fringe; Holly Springs Road corridor south of Tryon Road; west side of Campbell Road
Homestead/Dublin Woods	Northeast Cary fringe; abuts N. Harrison Avenue south of NW Cary Parkway and north of NE Maynard Road
Howard Road	West Cary; west of NC 55 and north of Carpenter Fire Station Road
Jamison Park, Phase 1	Southeast Cary fringe; west of West Lake Road; south of planned I-540 outer loop
Jamison Park, Phase 2	Southeast Cary fringe; west of West Lake Road; south of planned I-540 outer loop
Jenks Carpenter Road	West Cary; south of High House Road; existing 'doughnut hole'
Langston, Wyndridge	Southeast Cary fringe; east of West Lake Road and west of Bells Lake Road; south of planned I-540 outer loop
Medfield Estates	Northeast Cary fringe; north of Chapel Hill Road and west of I-40
Reedy Creek Road	Northeast Cary fringe; west of NE Maynard Road and north of NC Highway 54; existing 'doughnut hole'
Reedy Creek Road/Mickey Lane	Northeast Cary fringe; north of NE Maynard Road and southeast of North Harrison Avenue
Sawyers Mill, MeadowLake	Southeast Cary fringe; south of Optimist Farm Road and west of Bells Lake Road

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Summercrest Two	Southeast Cary fringe; south of Penny Road and east of Ten Ten Road
Surry Point, Orchard Knoll	Southeast Cary fringe; east of Holly Springs Road and south of Ten Ten Road
Treyland Estates	Southeast Cary fringe; east of Stephenson Road
Wedgewood Square, SouthLake	Southeast Cary fringe; south of Ten Ten Road and west of West Lake Road; north of planned I-540 outer loop
West Lake Road	Southeast Cary fringe; east of West Lake Road and south of Ten Ten Road
Woodland Acres	Northeast Cary; east side of N. Harrison Avenue at the intersection of Weston Parkway; part of an existing 'doughnut hole'

The attached [map](#) is incorporated in this resolution by reference and further defines the areas described above.

Section 2. Owners of agricultural land, horticultural land and forestland within the area(s) under consideration for annexation as described in Section 1 above are hereby notified that they may have rights to a delayed effective date of annexation. NCGS. 160A-49(f1) and (f2) provide that land being taxed at present-use value qualifies for delayed annexation, and land that is eligible for present-use value taxation but which has not been in actual production for the time period required by NCGS. 105-277.3 may qualify for delayed annexation by making application to the Wake County Tax Assessor for certification. For qualified tracts, the annexation will not become effective for most purposes until the last day of the month in which the tract or part thereof become ineligible for present-use value classification under NCGS 105-227.4 or no longer meets the requirements of NCGS 160A-49(f1)(2). Until annexation of a tract becomes effective, the tract will not be taxed by the Town of Cary and will not be entitled to services from the Town of Cary.

Section 3. A copy of this resolution shall be filed with the Clerk.

Section 4. The original resolution of consideration was adopted on the 9th day of March 2006. This resolution represents a second re-adoption of the original resolution with minor changes to the boundaries of the areas to reflect current incorporated areas and property lines. This resolution shall remain effective as provided by NCGS 160A-49(i).

Adopted and effective: February 25, 2010

Harold Weinbrecht Mayor		Date
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