

**TOWN OF CARY
STAFF REPORT**

Annexation Report and Plan of Services (PL04-31) Consideration of approval of an Annexation Report and Plan of Services for areas proposed for involuntary annexation	<u>Speaker</u> Ricky Barker
COMMITTEE MEETING	DATE
Operations Committee	
Planning & Development Committee	
TOWN COUNCIL MEETING	12/11/03

FROM:	Jeffery G. Ulma, AICP, Director, Planning Department
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INTRODUCTION: On November 24, 2003, Council adopted a resolution of intent to annex certain properties. Following the adoption of this resolution, the Council is required to adopt an Annexation Report and Plan of Services. In order to continue this involuntary annexation process, Council must adopt the annexation report at its December 11th meeting.

Staff has worked with the Wooten Company to complete this report. The purpose of the Annexation Report and Plan of Services is to:

- (i) describe the areas proposed to be annexed,
- (ii) estimate the population of the proposed annexation areas,
- (iii) provide a statement showing that the proposed annexation areas meet the qualifications of NCGS 160A-48,
- (iv) identify the major municipal services that the Town of Cary will extend to the proposed annexation areas at the time of annexation,
- (v) describe the method under which the Town of Cary plans to finance the extension of services to the proposed annexation areas, and
- (vi) provide a statement on the impact of the annexation on rural fire departments and private solid waste collectors providing service in the areas to be annexed. Revenue projections and a summary of costs and benefits to property owners within the proposed annexation areas are also included in the report.

Maps showing the boundaries of the proposed annexation areas and the general land use pattern within the annexation areas also accompany the report.

AREAS PROPOSED FOR ANNEXATION

The two areas proposed for involuntary annexation total approximately 2,396 acres and 1,874 parcels of land. As seen in the list below, each area is identified with a number (#) and a name that usually identifies the largest subdivision in the area or main roadways located within the areas:

#20 Dutchman Downs, and #21 Holly Springs Road and Lawdraker Road.

REASONS FOR INVOLUNTARY ANNEXATION

There are several reasons why the town chose to pursue involuntary annexation of these areas at this time. The first reason is the urgent need to establish a permanent boundary between Cary and Holly Springs.

The annexation of Area 21 (Holly Springs Road and Lawdraker Road) is needed to establish a definitive urban service boundary between Cary and Holly Springs for the following reasons:

- 1. Failure of Holly Springs to Accept a Proposed Utility Service and Annexation Boundary Agreement with Cary**

On November 18th, action on the proposed utility service and annexation boundary that had been negotiated within the past year was again delayed by Holly Springs, with indications that they wanted to pursue additional land within our designated urban service area. This land is beyond the boundary of the Holly Springs Land Use Plan. Staff feels that Cary already compromised considerably with the proposed agreement line and further adjustments to give more land area to Holly Springs that is beyond their adopted Land Use Plan and in Cary's urban service area as designated by the Wake County Board of Commissioners would not be in Cary's best interest.

- 2. Continued Action by Holly Springs to Annex Into Our Designated Urban Service Area**

Staff has confirmed that Holly Springs representatives have been soliciting voluntary annexation petitions for a 500+ acre Olive family property. A majority of the Olive property is on the Cary side of the proposed Utility Service and Annexation boundary line. A majority of the land within these properties is also beyond the limits of Holly Spring's adopted Land Use Plan boundary and portions of the Olive family properties are located only 1,300 feet from Cary's contiguous town limits and Middle Creek Park and Community Center property. This action by Holly Springs is similar to another voluntary annexation that occurred into an area included within our adopted Land Use Plan boundary last year. Staff believes that the proposed involuntary annexation of Area #21 is the only option Cary has remaining to stop the actions by Holly Springs.

- 3. Protection of Town Investments**

Over 15 years ago, Wake County designated nearly all of these areas to be within Cary's future urban service area. Since that time the Town has spent and committed approximately \$64 million dollars to provide for

wastewater treatment, roadway improvements, new schools, parks and a community center to service this area. Involuntary annexation will protect the good faith investment Cary citizens have made in infrastructure.

There are several reasons for involuntary annexation of Area #20 Dutchman Downs.

1. This area is developed for urban purpose and should be within the Town to provide essential services. Cary and other towns and cities throughout the State of North Carolina undertake involuntary annexations due to their obligation to provide urban services in a way that promotes health and safety of residents as well as implement the State's urban development policy. This policy very clearly states that all properties that are urban in character and contiguous to corporate limits should be located in municipalities. It is municipalities and not counties that are created to provide governmental services essential for sound urban development and for the protection of health, safety and welfare in areas that are being intensively used for residential, commercial, industrial, institutional and governmental purposes. This area is significantly contiguous to our town limits with over 42% of its boundary adjacent to existing town limits. This far exceeds the state's requirement for involuntary annexation of 12.5%. The more contiguous an area is the more effective it is for the town to deliver services rather than the County. In addition, this area clearly meets the state's "developed for urban purposes" standard.
2. Annexation provides equity among local citizens and taxpayers. These areas include land and properties along Cary's corporate limits that benefit from their proximity to Town limits but do not pay for these benefits. The Town has spent millions of dollars to provide for new parks, public facilities, improved roadway systems, and general government services that many of these residents benefit from. Due to their location, residents living in these involuntary annexation areas are already receiving significant benefits from a great park system, an effective and well maintained transportation system, and close access to commercial areas within the town that provide basic services. Our present citizens benefit by having the proposed areas annexed so these residents pay their fair share for these services. The Town and County also benefits by having services delivered in a more effective and efficient manner.

Involuntary annexation has been and is used frequently by municipalities throughout the State of North Carolina. According to the Institute of Government at the University of North Carolina at Chapel Hill, the greatest number of persons and the greatest amount of property annexed in the state is accomplished under the involuntary, city-initiated procedure.

Although involuntary annexation is usually not supported by property owners, towns must undertake it to fulfill the State's overriding policy of urban areas being served by municipalities. A majority of individual property owners affected by this proposed involuntary annexation will oppose involuntary annexation saying it is not fair to them as individuals. However, in a democratic society there are areas of public policy, such as involuntary annexation, where a determination must be made about what is in the best interest of the public as a whole in order to protect individuals and their property rights.

In the long term the residents that oppose the involuntary annexations will benefit from being in Cary. For example, during the recent involuntary annexation that Cary successfully completed in 2002, many of the concerns voiced by residents within the proposed annexed areas were that they did not need Cary services, especially water and sewer service. As it will be with property owners within these new involuntary annexation areas, existing private wells and septic systems can continue to be used with no mandatory requirement to obtain town water and sewer as long as these private systems are functioning. Since the 2002 annexations, the town has received petitions from 80% to 90% of the residents in two subdivisions (Hillsdale Forest and Triangle Forest) to extend utilities. Staff is anticipating a majority of residents from the Windsor Oaks subdivision to submit a petition in the near future.

Annexation Process, Schedule and Public Involvement

The North Carolina General Statutes require that the Town follow a specific process for undertaking involuntary annexation. The remaining major steps and dates in the implementation process include:

Date	Activity
December 11, 2003	Consideration of Approval of the Annexation Report and Plan of Services
Week of December 8, 2003	Notice to Property Owners
January 14, 2004	Public Information Meeting
January 15, 2004	Additional Public Information Meeting
February 12, 2004	Public Hearing
February 26, 2004	Additional Public Hearing
March 11, 2004	Possible Adoption of Annexation Ordinances
March 31, 2005	Possible Effective date of areas 20 & 21

Staff has scheduled two public information meetings and two public hearings to provide greater opportunity for owners to receive answers to their annexation questions (state law requires only one). Staff will also provide the same information available at the public informational meetings on our Web site for easier access.

With the number of parcels and people potentially impacted by this annexation effort, staff has held two public inquiry meetings and has provided property owners information about the process. Staff has also established a preliminary list of liaison/contact persons from subdivisions within the proposed annexation areas. These neighborhood liaisons will be a more effective way to communicate with the large number of residents affected by the proposed annexation.

Staff Recommendation: Adopt the Annexation Report and Plan of Services.