

STAFF REPORT

Town Council, June 16, 2016

Lewis Lynch Family LTD Partnership Annexation 16-A-07 (PL16-105)

Consider sufficiency of annexation petition and adoption of resolution to set public hearing.

From: Jeff G. Ulma, Planning Director

Prepared by: Wayne Nicholas, Planning Manager

Approved by: Mike Bajorek, Interim Town Manager

Approved by: Russ Overton, Assistant Town Manager

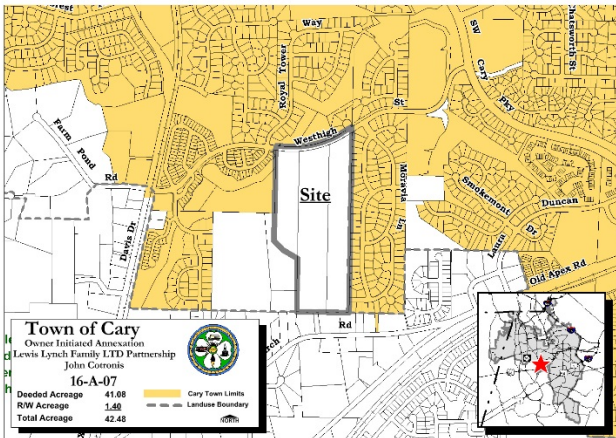
Speaker: Wayne Nicholas

Executive Summary: Consideration of adopting a certificate of sufficiency and resolution calling for a public hearing on owner-initiated annexation 16-A-07 located at 1521 and 1519 Salem Church Road, and unaddressed property on Westhigh Street (1,850 feet SW of Westhigh Street and SW Cary Parkway intersection). Associated Case(s): 15-SB-026 (Glen at Westhigh Subdivision)

Proposed Council Action: Leave blank for Town Clerk**Annexation Petition Number:** 16-A-07**Petition Date:** 4/22/2016**OWNER(S) AND PARCEL INFORMATION**

Property Owner(s)	Property Location	County Parcel Number (10-digit)	Real Estate ID	Deeded Acreage
Lewis Lynch Family LTD Partnership 7734 Astoria Place Raleigh, NC 27612-7390	0 Westhigh Street	0743837037	0035452	14.58
	1521 Salem Church Road	0743833093	0041845	17.90
John Norwood Cotronis 1515 Salem Church Road Apex, NC 27523-7564	1519 Salem Church Road	0743830061 (portion)	0015045 (portion)	8.60
Total Acres				41.08

MAP: Vicinity Map



ZONING & PROPOSED USE:

Current Zoning: R-8-CU

Acreage: 41.08 plus 1.40 adjacent right of way = 42.48 total acres

Contiguous to Primary Corporate Limits: Yes, 67% (excluding satellite town limits):

Existing Use: Residential

Proposed Use: Residential (Subdivision)

Active Associated Case(s): 15-SB-026 (Glen at Westhigh Subdivision)

UTILITIES:

Water: Adjacent to site

Sewer: Adjacent to site

DISTRICTS & TAX VALUE:

Fire District: Apex Fire District

Voting District: D

Tax Value: \$2,339,660

6/16/2016 MEETING:

Town Council – Certificate of Sufficiency and Resolution Ordering Public Hearing

STAFF RECOMMENDATION:

Forward to public hearing on 7/14/2016

Action:

“The documents that council will consider for adoption at this meeting are attached. The annexation ordinance that council will consider at a future meeting is included below.”

16-A-07

Lewis Lynch Family LTD Partnership

AN ORDINANCE ANNEXING LANDS CONTIGUOUS TO THE MUNICIPAL BOUNDARIES OF THE TOWN OF CARY

WHEREAS, on 4/22/2016, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below:

Lewis Lynch Family LTD Partnership; John Cotronis;
Wake County Parcel Identification Number **0743837037, 0743833093,**
0743830061(portion); Wake County Real ID Number **0035452, 0041845,**
0015045(portion);
including **41.08** acres, plus **1.40** acres of adjacent right-of-way; and

WHEREAS, the above described are contiguous to existing Town limits; and

WHEREAS, on **6/16/2016**, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **6/16/2016**, the Town Council of the Town of Cary ordered a public hearing on the question of said annexation and Notice of a Public Hearing was published as required by law; and

WHEREAS, the matter came for public hearing before the Town Council of the Town of Cary on 7/14/2016, at which time all persons opposed and all persons in favor of said annexation were allowed to be heard; and

WHEREAS, the Petition above mentioned meets all the requirements of G.S. 160A-31.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Cary, North Carolina that:

Section 1. The area described in the petition and depicted on the map (which is on file in the Planning Department), is hereby annexed to and made a part of the Town of Cary, effective on _____ with a condition that the property owner connect to the Town of Cary sewer/water line based upon the Town's policy(ies) in place on the effective date of this ordinance.

LEGAL DESCRIPTION

Wake County Parcel Identification Number **0743837037, 0743833093, 0743830061 (portion)**

METES AND BOUNDS:

Beginning at an iron pipe at the intersection of the southern right of way of Westhigh Street and the common property line of Olde Salem Subdivision the Point of Beginning; thence S 00°56'23" W a distance of 2279.24 feet to an iron pipe; thence N 89°13'17" W a distance of 125.46 feet to a point; thence N 89°13'17" W a distance of 164.01 feet to an iron pipe; thence N 89°13'17" W a distance of 108.44 feet to an iron pipe; thence N 89°13'17" W a distance of 60.52 feet to an iron pipe; thence N 89°13'17" W a distance of 208.48 feet to an iron pipe; thence N 00°48'12" E a distance of 265.10 feet to an iron pipe; thence N 00°56'24" E a distance of 402.33 feet to an iron pipe; thence N 58°24'26" W a distance of 212.46 feet to an iron pipe; thence N 42°48'00" W a distance of 170.01 feet to an iron pipe; thence N 01°34'52" E a distance of 342.57 feet to an iron pipe; thence N 00°52'53" E a distance of 793.33 feet to a point on the southern right of way of Westhigh Street; thence S 83°26'39" E a distance of 60.42 feet to a point; thence with a curve to the left with an arc length of 237.51 feet, with a radius of 1279.94 feet, with a chord bearing of S 88°45'37" E, with a chord length of 237.17 feet to a point; thence with a curve to the left with an arc length of 390.55 feet, with a radius of 1279.94 feet, with a chord bearing of N 77°10'56" E, with a chord length of 389.04 feet to a point; thence with a curve to the left with an arc length of 221.62 feet, with a radius of 1279.94 feet, with a chord bearing of N 63°28'49" E, with a chord length of 221.34 feet; thence N 58°31'12" E a distance of 110.46 feet to the Point of Beginning, containing 1,789,321 square feet or 41.08 acres

Section 2. That from and after the effective date of this ordinance, the territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Cary, and shall be entitled to the same privileges and benefits as other parts of the municipality. Said annexed territory shall be subjected to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Cary shall cause an accurate map of the newly annexed territory together with a copy of this ordinance, duly certified, to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State of North Carolina.

Section 4. Pursuant to G.S. 160A-22, the Town Clerk is directed to update the Official Town Map by drawing in the territory annexed, or setting out the boundaries in a written description, or showing the current Town boundaries by a combination of these techniques. Such a map shall also be delivered to the Wake County Board of Elections as required by G.S. 163-288.1.

Section 5. Pursuant to G.S. 160A-23, the boundaries of Electoral District D are hereby revised to account for and include the territory annexed, and the Official Town Map of Electoral Wards is hereby amended to include the annexed territory in the said Electoral District.