

Town Council, November 10, 2016

**16-A-19 Tompkins, Moss & Linthicum Annexation**

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

**Prepared by:** Wayne Nicholas, Planning

**Speaker:** Wayne Nicholas, Planning

**Recommendation:** Staff recommends adoption of a certificate of sufficiency and resolution calling for a public hearing on **12/8/2016**.

**Executive Summary:** Consideration of adopting a certificate of sufficiency and resolution calling for a public hearing on owner-initiated annexation 16-A-19, located at 1509, 1513, 1517 Old White Oak Church Road and unaddressed property on Old White Oak Church Road, (2,390 feet N of Old White Oak Church Road and Green Level West Road intersection). Associated Case(s): **Rezoning 16-REZ-29** (Old White Oak Church Road Assemblage).

The documents that council will review at this meeting are attached.

**OWNER(S) AND PARCEL INFORMATION:**

| Property Owner(s)<br>Address List  | Property<br>Location                                    | Wake County<br>Parcel<br>Number<br>(10-digit) | Wake<br>County<br>County<br>Real<br>Estate ID | Deeded<br>Acreage |
|--|---|---|---|-------------------|
| Robert G. & Marjorie<br>Tompkins<br>1509 Old White Oak<br>Church Road<br>Apex, NC 27523    | 1509 Old White Oak<br>Church Road                       | 0723395895                                    | 0120634                                       | 4.47              |
| Fred & Marcia Moss<br>1513 Old White Oak<br>Church Road<br>Apex, NC 27523                  | 1513 Old White Oak<br>Church Road                       | 0723399942                                    | 0120635                                       | 2.89              |
| James E. Linthicum<br>1517 Old White Oak<br>Church Road<br>Apex, NC 27523                  | 1517 Old White Oak<br>Church Road                       | 0723490618                                    | 0106152                                       | 3.01              |
| James E. & Betty Green<br>Linthicum<br>1517 Old White Oak<br>Church Road<br>Apex, NC 27523 | Unaddressed<br>property on Old White<br>Oak Church Road | 0723398595                                    | 0183072                                       | 0.24              |

|  |                    |       |
|--|--------------------|-------|
|  | Total Deeded Acres | 10.61 |
|--|--------------------|-------|

**PETITION DATE:** 10/4/2016

**ZONING & PROPOSED USE:**

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

**Acreage:** 10.61 plus 0.62 adjacent right of way = 11.23 total acres

**Contiguous to Primary Corporate Limits:** Yes; 54% contiguous (excluding satellite town limits)

**Existing Use:** Residential

**Proposed Use:** Residential

**UTILITIES:**

**Water:** Adjacent to site

**Sewer:** Adjacent to site

**DISTRICTS & TAX VALUE:**

**Fire District:** Morrisville Fire District

**Voting District:** A

**Tax Value:** \$887,469

**DRAFT Ordinance**

**16-A-19**

**Tompkins, Moss & Linthicum Annexation**

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

WHEREAS, on **10/4/2016**, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below:

**Robert G. & Marjorie Tompkins; Fred & Marcia Moss; James E. Linthicum; James E. & Betty Green Linthicum**

Wake County County Parcel Identification Number **0723395895; 0723399942; 0723490618; 0723398595** including 10.61 acres, plus **0.62** acres of adjacent right-of-way; and

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

WHEREAS, on **11/10/2016**, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **11/10/2016**, 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 **12/8/2016**, 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 County Parcel Identification #**0723395895; 0723399942; 0723490618; 0723398595**

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 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 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 A are hereby revised to account for and include the territory annexed, and the Official Town Map of Electoral Wards is hereby amended to include the annexed territory in the said Electoral District.

# VICINITY MAP

