

STAFF REPORT

Town Council, April 27, 2017

16-A-23 Peggy Harward Lewter & Grover Lewter Annexation

Conduct public hearing and consider action on requested annexation.

Prepared by: Wayne Nicholas, Planning

Speaker: Wayne Nicholas, Planning

Recommendation: That council conduct a public hearing and consider action on the requested annexation.

Executive Summary: The owners of property located at 7712 Carpenter Fire Station Road, and unaddressed property on Green Level Church Road and Carpenter Fire Station Road (NW quadrant of Carpenter Fire Station Road and Green Level Church Road intersection) have petitioned for annexation of the property. Pursuant to statute, the Town Council must hold a public hearing before taking action on the request.

Associated Case(s): Development Plan 16-SP-060 (Amberly Place).

Background:

Owners of property located outside of the corporate limits of the Town that desire to develop using Town utilities or that otherwise desire to be located in the corporate limits must first petition to be annexed, pursuant to the requirements of either NCGS Chapter 160A, Article 4, Part 1, when their property is contiguous to the corporate limits, or to NCGS Chapter 160A, Article 4, Part 4, when their property is not contiguous to the corporate limits. In either case, council must conduct a public hearing on the annexation request prior to taking action. At the public hearing on a request for contiguous annexation, such as this, the owner may speak and allege that the Petition contains an error, and any Town resident may speak and question the necessity for the annexation.

Once property is annexed, the property and its citizens become subject to all the laws, ordinances, and regulations of the Town and are entitled to receive the services the Town provides (fire and police protection; solid waste; utilities; etc.). If the annexed property is located in an area served by a rural fire department, the Town may also be required to assume a proportionate share of any debt related to equipment or facilities of the rural fire department. If the property is located outside of the Town's extraterritorial jurisdiction, the property owner must also submit a rezoning application in order to establish initial Town zoning designation upon annexation.

Discussion:

The owners of the following property filed an annexation petition with the Town on **11/21/2016**

OWNER(S) AND PARCEL INFORMATION:

Property Owner(s) Address List	Property Location	Wake County Parcel Number (10-digit)	Wake County Real Estate ID	Deeded Acreage
Peggy Harward Lewter & Grover Lewter 3525 Davis Drive Cary, NC 27519	7712 Carpenter Fire Station Road	0725844460	0099982	2.28
	Unaddressed property on Carpenter Fire Station Road	0725846945	0078272	14.4
	Unaddressed property on Green Level Church Road	0725856677	0368308	4.78
	Total Deeded Acres			21.46

As required by statute, the Town Clerk has certified that the Petition is valid. The Town Council adopted a Resolution calling for the public hearing on **3/30/2017**.

The following information may be useful as council decides whether to grant the requested annexation.

ZONING & PROPOSED USE:

Current Zoning: Mixed Use (MXD)

Acreage: 21.46 plus 6.24± adjacent right of way = 27.7 total acres

Contiguous to Primary Corporate Limits: Yes; 100% (excluding satellite town limits)

Existing Use: Vacant; detached dwelling

Proposed Use: Shopping Center

UTILITIES:

Water: Adjacent to site

Sewer: Adjacent to site

DISTRICTS & TAX VALUE:

Fire District: Morrisville Fire District

Voting District: A

Tax Value: \$2,132,092

16-A-23

Peggy Harward Lewter & Grover Lewter

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

WHEREAS, the Town Council has been petitioned under G.S. 160A-31 to annex the area described below in Section 1 (the "Annexation Area"); and

WHEREAS, the Annexation Area is contiguous to existing Town limits; and

WHEREAS, the Town Clerk of the Town of Cary certified the sufficiency of said Petition, the same being duly made after investigation; and

WHEREAS, on **3/30/2017**, the Town Council of the Town of Cary ordered a public hearing on the question of said annexation and Notice of a Public Hearing was published as required by law, which publication may have been on the Town of Cary website; and

WHEREAS, the matter came for public hearing before the Town Council of the Town of Cary on 4/27/2017, at which time the owner of the Annexation Area and all Town residents were allowed to be heard; and

WHEREAS, the Town Council finds that the 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 Annexation Area described below is hereby annexed to and made a part of the Town of Cary, effective on the date written below with a condition that the property owner connect to Town of Cary utilities based upon the Town's policy(ies) in place on the effective date of this ordinance.

ANNEXATION AREA:

Wake County Parcel Identification #**0725844460; 0725846945; 0725856677**

The Annexation Area also includes all intervening streets, street rights-of-way, creeks, rivers, rights-of-way of any railroad or other public service corporation, or lands owned by the State of North Carolina or any of its political subdivisions.

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

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

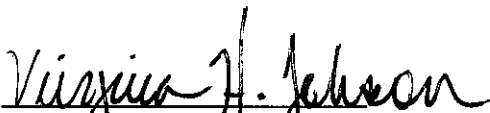
Section 4. Pursuant to G.S. 160A-22, the Town Clerk is directed to update the Official Town Map ("Map") by drawing in the territory annexed, or setting out the boundaries in a written description, or showing the current Town boundaries by a combination of these techniques.

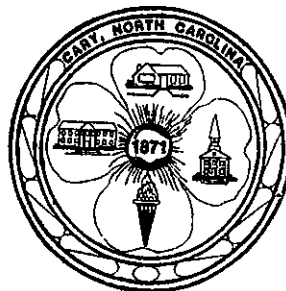
Section 5. Pursuant to G.S. 160A-23, the boundaries of Electoral District A are hereby revised to account for and include the territory annexed, and the Official Town Map of Electoral Wards is hereby amended to include the annexed territory in the said Electoral District. A copy of the Map shall be delivered to the Wake County Board of Elections as required by G.S. 163-288.1.

Adopted this the 21 day of April, 2017.

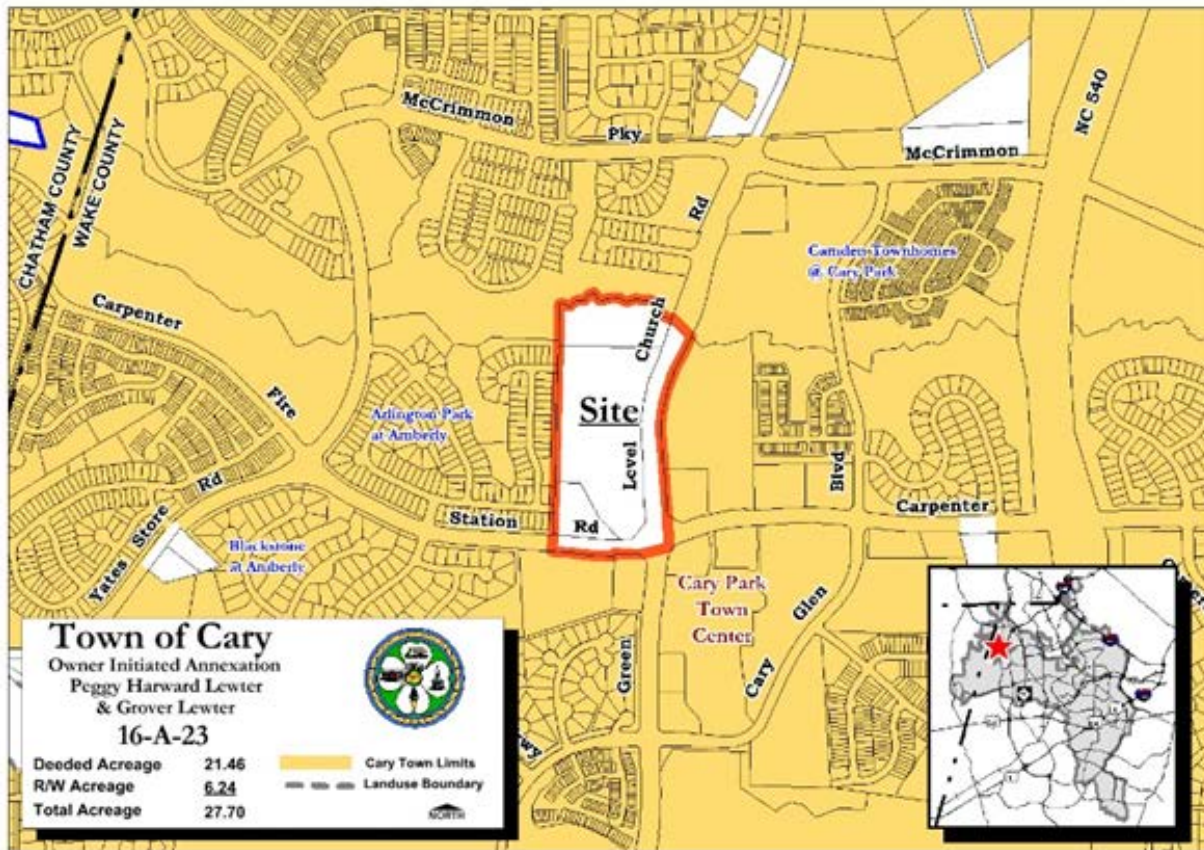

Ed Yerha, Mayor Pro Tem

ATTEST:


Virginia H. Johnson, Town Clerk



VICINITY MAP



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