



Town of Pittsboro, North Carolina

Department of Planning
(919) 542-4621, Ext. 34

MEMORANDUM

TO: Brian Gruesbeck, Town Manager
FROM: Stuart Bass, Planning Director
DATE: April 4, 2013
RE: Proposed Annexation
A-2013-01, Reid / Starkweather

Background

We have received a petition requesting annexation.

Owner: Elizabeth C. Reid / Jeffery L. Starkweather

Location: 590 Old Goldston Road

Current Zoning: R-A {Residential – Agricultural}

Proposed Zoning: No change.

Acreage: 5.42 acres

Contiguous to
Corporate Limits: No, would be a satellite annexation

Existing Use: Residential property.

Utilities: Water is within relative close proximity to the property. Wasterwater is not.

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Section 160A-58.1 Petition for Annexation Standards; states in part that (a) “Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section”. Subsection (b) (3) states that “the area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits”.

The issue is with respect to provision of sewer. The nearest sewer line is approximately 1200 feet away, down Churchwood Street.

Again, as specified in GS 160A-58.1 (a), a city may annex an area not contiguous to its primary corporate limits when the area meets certain standards. GS 160A-58.1 (b) (5) provides that the area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

The current total acreage of the Town is 2,541.3 acres. The Town of Pittsboro has two existing satellite annexations, Pittsboro Christian Village and Northwood High School, totaling 133.12 acres. Incorporation the proposed property would increase the total satellite acreage to 138.54, below the allowable 10 percent of 240.8 acres.

Satellite Annexation Area	Acres
Total Corporate Limits	2,541.3
Minus Christian Village	37.7
Minus Northwood High School	95.42
Total Primary Corporate Limits	2408.18
10 Percent of Primary Corporate Limits	240.81
Proposed Annexation	5.42
Current Satellite Area	133.12
Proposed Total Satellite Annexation Area	138.54

Recommendations:

Authorize the Town Clerk to determine sufficiency of the application.

Schedule a public hearing.

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(919) 542-0257 - Facsimile

Memo

To: Stuart Bass
Cc: Bryan Gruesbeck
From: Paul S. Messick, Jr.
Date: April 2, 2013
Re: Satellite Annexation Request

Pursuant to your request I have reviewed the request for voluntary annexation filed by Jeffrey Starkweather and Elizabeth Reid for two parcels of land off NC 902. Because the property is not contiguous to the existing town limits the request is governed by the provisions of NCGS 160A- 58.1 which reads in pertinent part as follows:

“(b) A noncontiguous area proposed for annexation must meet all of the following standards:

....

- (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included...”

Your question relates to whether this property is so situated that Pittsboro will be able to provide the same services within the proposed area that it provides within its primary limits. You have advised that sewer service is currently unavailable to this property and is more than 1,200 feet away in the Churchwood development.

One of the lots requested for annexation contains 5 acres and is known as Lot C according to the plat recorded in 1984 in Plat Book 37, Page 73 of the Chatham County Registry. The subdivision of the parent tract into three lots was considered at the time to be exempt from subdivision regulations because all of the lots were greater than 5 acres in area. NCGS 160A-376 now exempts a subdivision of land into parcels of greater than 10 acres in area. Lot A according to that plat is also less than 10 acres, but is owned by another and is not a part of this request.

The town has no obligation to provide services to property outside its corporate limits. Once a part of town, property owners have a right to municipal services upon the same basis as all other

taxpayers and residents. Because of the mandatory nature of the statute, the property requested to be annexed must meet the standards for qualification.

From a procedural standpoint, it appears that the request ought to be forwarded to the Board of Commissioners with your staff analysis.

Part 4. Annexation of Noncontiguous Areas.

§ 160A-58. Definitions.

The words and phrases defined in this section have the meanings indicated when used in this Part unless the context clearly requires another meaning:

- (1) "City" means any city, town, or village without regard to population, except cities not qualified to receive gasoline tax allocations under G.S. 136-41.2.
- (2) "Primary corporate limits" means the corporate limits of a city as defined in its charter, enlarged or diminished by subsequent annexations or exclusions of contiguous territory pursuant to Parts 1, 2, and 3 of this Article or local acts of the General Assembly.
- (3) "Satellite corporate limits" means the corporate limits of a noncontiguous area annexed pursuant to this Part or a local act authorizing or effecting noncontiguous annexations. (1973, c. 1173, s. 2.)

§ 160A-58.1. Petition for annexation; standards.

(a) Upon receipt of a valid petition signed by all of the owners of real property in the area described therein, a city may annex an area not contiguous to its primary corporate limits when the area meets the standards set out in subsection (b) of this section. The petition need not be signed by the owners of real property that is wholly exempt from property taxation under the Constitution and laws of North Carolina, nor by railroad companies, public utilities as defined in G.S. 62-3(23), or electric or telephone membership corporations. A petition is not valid in any of the following circumstances:

- (1) It is unsigned.
 - (2) It is signed by the city for the annexation of property the city does not own or have a legal interest in. For the purpose of this subdivision, a city has no legal interest in a State-maintained street unless it owns the underlying fee and not just an easement.
 - (3) It is for the annexation of property for which a signature is not required and the property owner objects to the annexation.
- (b) A noncontiguous area proposed for annexation must meet all of the following standards:
- (1) The nearest point on the proposed satellite corporate limits must be not more than three miles from the primary corporate limits of the annexing city.
 - (2) No point on the proposed satellite corporate limits may be closer to the primary corporate limits of another city than to the primary corporate limits of the annexing city, except as set forth in subsection (b2) of this section.
 - (3) The area must be so situated that the annexing city will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
 - (4) If the area proposed for annexation, or any portion thereof, is a subdivision as defined in G.S. 160A-376, all of the subdivision must be included.
 - (5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, may not exceed ten percent (10%) of the area within the primary corporate limits of the annexing city.

This subdivision does not apply to the Cities of Belmont, Claremont, Concord, Conover, Durham, Elizabeth City, Gastonia, Greenville, Hickory, Kannapolis, Locust, Marion, Mount Airy, Mount Holly, New Bern, Newton, Oxford, Randleman, Roanoke Rapids, Rockingham, Sanford, Salisbury, Southport, Statesville, and Washington and the Towns of Ahoskie, Angier, Apex, Ayden,

At the hearing, any person residing in or owning property in the area proposed for annexation and any resident of the annexing city may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If the council then finds and determines that (i) the area described in the petition meets all of the standards set out in G.S. 160A-58.1(b), (ii) the petition bears the signatures of all of the owners of real property within the area proposed for annexation (except those not required to sign by G.S. 160A-58.1(a)), (iii) the petition is otherwise valid, and (iv) the public health, safety and welfare of the inhabitants of the city and of the area proposed for annexation will be best served by the annexation, the council may adopt an ordinance annexing the area described in the petition. The ordinance may be made effective immediately or on any specified date within six months from the date of passage. (1973, c. 1173, s. 2.)

§ 160A-58.2A. Assumption of debt.

(a) If the city has annexed under this Part any area which is served by a rural fire department and which is in:

- (1) An insurance district defined under G.S. 153A-233;
- (2) A rural fire protection district under Article 3A of Chapter 69 of the General Statutes; or
- (3) A fire service district under Article 16 of Chapter 153A of the General Statutes,

then beginning with the effective date of annexation the city shall pay annually a proportionate share of any payments due on any debt (including principal and interest) relating to facilities or equipment of the rural fire department, if the debt was existing at the time of submission of the petition for annexation to the city under this Part. The rural fire department shall make available to the city not later than 30 days following a written request from the city, information concerning such debt. The rural fire department forfeits its rights under this section if it fails to make a good faith response within 45 days following receipt of the written request for information from the city, provided that the city's written request so states by specific reference to this section.

(b) The annual payments from the city to the rural fire department on such shared debt service shall be calculated as follows:

- (1) The rural fire department shall certify to the city each year the amount that will be expended for debt service subject to be shared by the city as provided by subsection (a) of this section; and
- (2) The amount determined under subdivision (1) of this subsection shall be multiplied by the percentage determined by dividing the assessed valuation of the area of the district annexed by the assessed valuation of the entire district, each such valuation to be fixed as of the date the annexation ordinance becomes effective.

(c) This section does not apply in any year as to any annexed area(s) for which the payment calculated under this section as to all annexation ordinances adopted under this Part by a city during a particular calendar year does not exceed one hundred dollars (\$100.00).

(d) The city and rural fire department shall jointly present a payment schedule to the Local Government Commission for approval and no payment may be made until such schedule is approved. The Local Government Commission shall approve a payment schedule agreed upon between the city and the rural fire department in cases where the assessed valuation of the district may not readily be determined, if there is a reasonable basis for the agreement. (1989, c. 598, s. 3.)

§ 160A-58.3. Annexed area subject to city taxes and debts.

§ 160A-58.8. Recording and Reporting.

Annexations made under this part shall be recorded and reported in the same manner as under G.S. 160A-29. (1987, c. 879, s. 4.)



