

## MEMORANDUM

TO: Mayor J.B. Lawrence and Blowing Rock Town Council

FROM: Kevin Rothrock, Planning Director

SUBJECT: Scott McIntosh Annexation – 6236 Highway 321 South

DATE: October 11, 2016

Scott McIntosh has submitted a petition of voluntary satellite annexation for Council consideration. The 0.40 acre subject property is located in the ETJ along Highway 321 South just outside of the Town corporate limits. The property is zoned GB and further identified by Watauga County PIN 2818-54-3497-000.

### Key points

- The applicant has submitted a petition for satellite annexation with the intention of connecting to Town sewer utilities. Consistent with Town policy, any property that desires connection to Town utilities must be located within the corporate limits.
- Mr. McIntosh is responsible for the costs of extending sewer service to his property and for the availability fees for any buildings connected to the system. Public sewer service was recently installed on a contiguous lot when the lift station installed for the Chestnut Ridge PACF.

Since the boundaries of the subject property are not contiguous with the Town's corporate limits, the rules for satellite annexation have to be followed. The five basic rules for satellite annexation in North Carolina found in G.S. 160A-58.1(b) are:

- 1) The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the corporate limits of the Town of Blowing Rock;
- 2) No point on the proposed satellite corporate limits is closer to another municipality than to the Town of Blowing Rock;
- 3) The area described is so situated that the Town of Blowing Rock will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- 4) No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation, and
- 5) The area within the proposed satellite corporate limits, when added to the area within all other satellite corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the Town of Blowing Rock.

Through staff review of the annexation petition, it appears that all requirements of satellite annexation will be satisfied.

## **RECOMMENDATIONS**

To pursue annexation, staff recommends that Council approve resolutions No. 2016-25 and 2016-26 which initiates the annexation process and establishes a public hearing for November 9, 2016 for consideration of the annexation petition.

## **ATTACHMENTS**

- Annexation Petition submitted by Scott McIntosh
- Resolution 2016-25 – directing the Town Clerk to investigate the annexation petition
- Resolution 2016-26 – setting date of public hearing
- Survey of McIntosh property (Blowing Rock Investment Properties)
- Map of McIntosh property with proposed annexation boundary



## TOWN OF BLOWING ROCK

PO Box 47

Blowing Rock NC 28605

Telephone: (828) 295-5240 Fax: (828) 295-5202

[www.townofblowingrock.com](http://www.townofblowingrock.com)

### PETITION OF ANNEXATION OF PROPERTY

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#### Submittal Checklist

Please include all of the following. *If any information is missing from the application package, you will be asked to complete the application and re-submit the petition, so please check the list below carefully before you submit:*

- City or County Property Map** with parcels included in the annexation request clearly marked. An excerpt of a tax map is acceptable, but the map number must appear on the excerpt. This map must show the EXISTING and PROPOSED CITY LIMITS.
- Annexation Plat:** ( these plats should conform to G.S. 47-30) 3 mylar and 2 paper copies of a recordable annexation plat. Plat must show the existing and proposed City Limits, state if the annexation is contiguous or non-contiguous and title the annexation (i.e. Green Fields Contiguous Voluntary Annexation)
- Metes and Bounds Description** of property being considered for annexation.
- Copy of Approved Preliminary Site Plan or Final Site Plan or Copy of Subdivision Plat** if applicable.
- Projected Market Value of Development at build-out** (land and improvements).
- General Annexation Area Data:** Linear feet of public streets, total annexation acreage, number of proposed residential units or square footage of commercial space, type of utility connections involved, specific land uses proposed.
- This Application Form** completed, dated and signed by property owners, and attested.

#### Required, but often missing information. Please make sure to include the following:

- Correct Tax Map, Block and Lot Number(s).** Call Watauga County Tax Department at 828-265-8026 or Caldwell County Tax Department at 828-757-1340 if there is any question about the number. THIS IS VERY IMPORTANT! Incorrect tax map, block and lot number(s) can cause the application to be rejected, requiring re-submittal. If the property being requested for annexation is only a portion of an existing parcel, please indicate that this is the case.
- Owners Signature and Date of Signature.** See lower section of this application. All real property owners must sign the application, and the date of signature MUST be filled in!
- Corporate Seal** for property owned by a corporation.
- Re-Zoning Application** if the property is currently outside Blowing Rock's Extraterritorial Jurisdiction.

Summary Information

Development Project Name: Blowing Rock Investment Properties  
Street Address: 6236 Hwy 321 S Blowing Rock NC 28605

Tax Map, Block and Lot Number(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Acreage of annexation site: .40  
Linear feet of public streets within annexation boundaries: \_\_\_\_\_  
Annexation site requesting connection to Town water: \_\_\_\_\_ Sewer:   
Number of proposed dwelling units \_\_\_\_\_  
Type of units: \_\_\_\_\_ Single-family, \_\_\_\_\_ Townhouse, \_\_\_\_\_ Condo, \_\_\_\_\_ Apt.  
Building square footage of non-residential space: 3200  
Specific proposed use (office, retail, warehouse, school, etc.): OFFICE  
Projected market value at build-out (land improvements): \$ 900,000.00

Person to contact if there are questions about the petition:  
Name: Scott P MacIntosh  
Address: 6236 Highway 321S, Blowing Rock NC 28605  
Telephone: 828-295-7337 Fax: 828-295-7850  
Cell: 828-310-1236 e-mail: Mac@b2ip5.com

Annexation Petition

State of North Carolina  
County of Watauga/Caldwell (please circle one)  
Petition of Annexation of Property to the Town of Blowing Rock, North Carolina

**PART 1.** The undersigned, being all the owners of the real property described in this application respectfully request the annexation of said property to the Town of Blowing Rock, North Carolina. The petitioners understand and agree that all streets and utilities within the annexed area will be constructed and installed by the developer according to the Land Use Ordinance and any utilities that must be extended to the annexed area are the responsibility of the developers or successive property owners. The property to be annexed is:

contiguous to the present corporate limits of the Town of Blowing Rock, North Carolina, or  
 not contiguous to the municipal limits of the Town of Blowing Rock, North Carolina, not closer to the limits of any other municipality and is located within (3) miles of the municipal limits of the Town of Blowing Rock, North Carolina (pursuant to G.S. Chapter 160A-58.1).

**PART 2.** NC General Statutes require petitioners of both contiguous and satellite annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition.

Do you declare such vested rights for the property subject to this petition? YES \_\_\_\_\_ NO

Do you otherwise claim a vested right for the property subject to this petition? YES \_\_\_\_\_ NO .  
If yes, please submit proof that vested rights have been granted by a governing board or some other means. I hereby declare that my failure to disclose the existence of vested right terminates any vested right previously acquired for this property.

Print Owner Name(s), Addresses

Owner's Signature(s):

A. Scott P MacIntosh Scott P MacIntosh Date: 9/8/2016

\_\_\_\_\_ phone: \_\_\_\_\_

B. \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ phone: \_\_\_\_\_

C. \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ phone: \_\_\_\_\_

D. \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ phone: \_\_\_\_\_

E. \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ phone: \_\_\_\_\_

*If additional owners, please attach a separate sheet with names, addresses, signatures, and date.*

**Corporate Seal**

North Carolina

\_\_\_\_\_ County

I, \_\_\_\_\_, a Notary Public for said County or State, do hereby certify that \_\_\_\_\_ personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

My commission expires \_\_\_\_\_, Notary Public \_\_\_\_\_

**RESOLUTION NO. 2016-25**

**RESOLUTION DIRECTING THE TOWN CLERK TO INVESTIGATE A PETITION  
RECEIVED UNDER G.S. 160A-31**

WHEREAS, a petition requesting annexation of an area described in said petition was received on September 8, 2016 by the Town of Blowing Rock; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation procedures take place; and

WHEREAS, the Board of Commissioners of the Town of Blowing Rock deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of Blowing Rock, North Carolina, that:

The Town Clerk is hereby directed to investigate the sufficiency of the above-described petition and to certify as soon as possible to the Board of Commissioners the result of her investigation.

Adopted this the 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Hilari H. Hubner, Town Clerk

**RESOLUTION NO. 2016-26****RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF  
ANNEXATION PURSUANT TO G.S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received;  
and

WHEREAS, the Board of Commissioners of the Town of Blowing Rock has by resolution  
directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the Town Clerk as to the sufficiency of the petition has been  
made; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Town of  
Blowing Rock, North Carolina, that:

Section 1. A public hearing on the question of annexation of the area described herein will  
be held at the Blowing Rock Town Hall Council Chambers at 1036 Main Street at 6:00 P.M.  
on November 9, 2016.

Section 2. The area proposed for annexation is described as follows:

Beginning at the junction of New Highway No. 321-221 and the old highway and  
running with the north right of way line of Highway No. 221, North 76' East 227.00  
feet to a stake; thence leaving the highway and running North 30' 40' West 140.00 feet  
to a stake in the south margin of the old highway; thence with the south margin of the  
old highway South 53-1/2 West 82-1/2' feet and South 37-1/4' West 150.00 feet to the  
Beginning.

Being the same property conveyed to Joseph J. Mertes, married from Joseph R.  
Branch and wife, Debra B. Branch by deed dated October 10, 1999 and recorded in  
Book 555, Page 434, Watauga Country Registry.

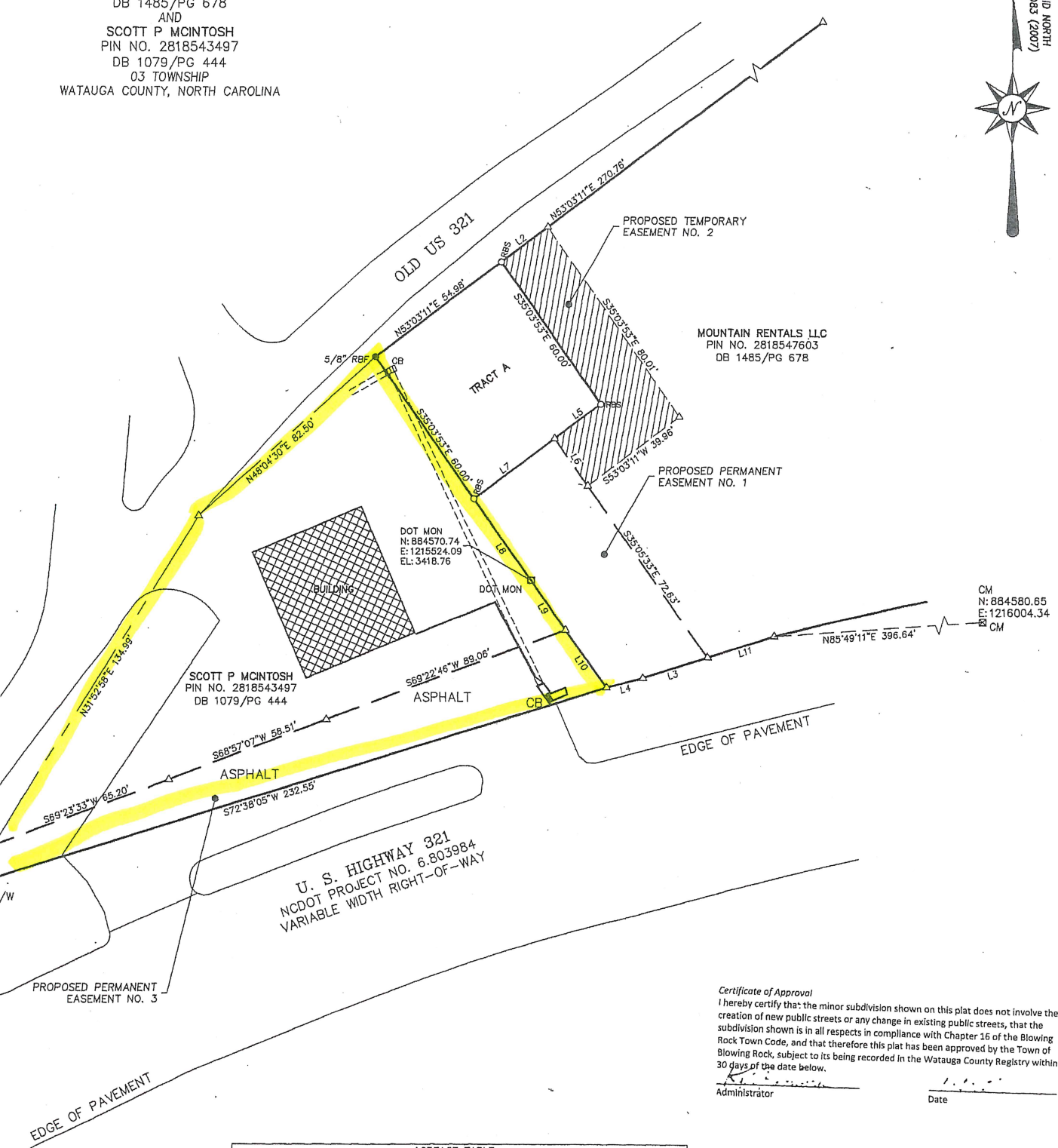
Section 3. Notice of the public hearing shall be published in The Blowing Rocket, a  
newspaper having general circulation in the Town of Blowing Rock, at least 10 days prior to  
the date of the public hearing.

Adopted this the 11<sup>th</sup> day of October, 2016.

\_\_\_\_\_  
J.B. Lawrence, Mayor

ATTEST: \_\_\_\_\_  
Hilari H. Hubner, Town Clerk

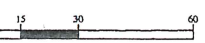
ACROSS THE PROPERTIES OF:  
 MOUNTAIN RENTALS LLC  
 PIN NO. 2818547603  
 DB 1485/PG 678  
 AND  
 SCOTT P MCINTOSH  
 PIN NO. 2818543497  
 DB 1079/PG 444  
 03 TOWNSHIP  
 WATAUGA COUNTY, NORTH CAROLINA



*Certificate of Approval*  
 I hereby certify that: the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Chapter 16 of the Blowing Rock Town Code, and that therefore this plat has been approved by the Town of Blowing Rock, subject to its being recorded in the Watauga County Registry within 30 days of the date below.  
 Administrator \_\_\_\_\_ Date \_\_\_\_\_

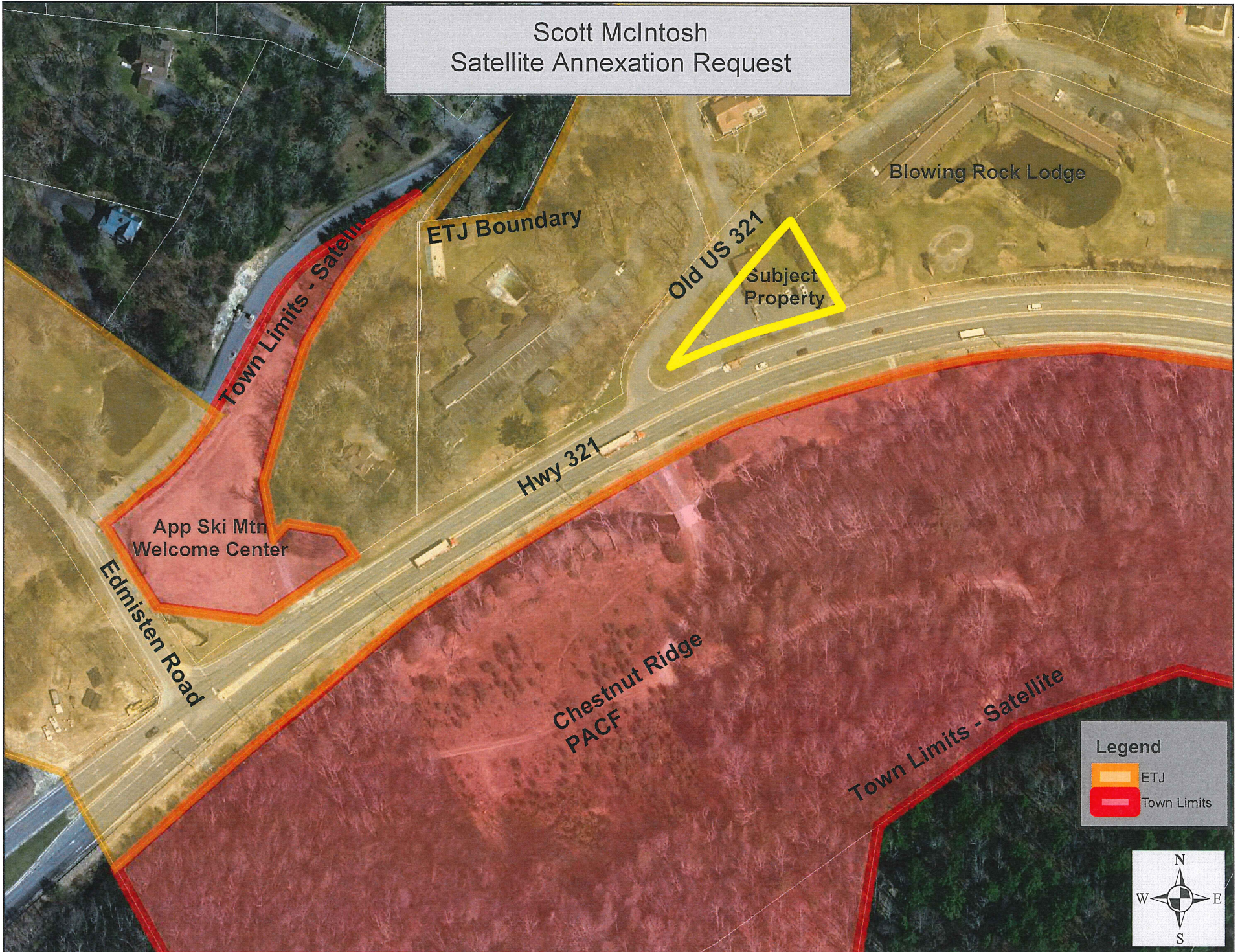
ACREAGE TABLE		
PARCEL	SQUARE FOOTAGE	ACREAGE
TRACT A	3,297	0.076

PIN NO. 2818547603	PERMANENT EASEMENT NO. 1		TEMPORARY EASEMENT NO. 2	
	SQ. FT.	ACRES	SQ. FT.	ACRES
	3,030	0.070	1,993	0.046
PIN NO. 2818543497	PERMANENT EASEMENT NO. 3			
	SQ. FT.	ACRES		





Scott McIntosh  
Satellite Annexation Request



**Legend**

- ETJ
- Town Limits

