

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: November 9, 2016

Scott McIntosh submitted a petition of voluntary satellite annexation for Council consideration at the October 11, 2016 meeting. 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.

- 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.
- At the October 11, 2016 meeting, the Town Council approved Resolutions 2016-25 and 2016-26 to initiate the satellite annexation process and set the date for public hearing.
- 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 Chestnut Ridge extended sewer to their property.

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.

If approved as presented, the annexation will become effective on November 30, 2016. The boundary map will be recorded with the Watauga County Register of Deeds and the office of the North Carolina Secretary of State. A copy of the map will also be delivered to the Watauga County Board of Elections.

ATTACHMENTS

- Ordinance 2016-27 MacIntosh annexation ordinance
- Map of the subject property

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
TOWN OF BLOWING ROCK, NORTH CAROLINA
(Non-Contiguous)**

WHEREAS, the Town of Blowing Rock has been petitioned under G.S.160A-58.1 to annex the area described below; and

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

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at the Blowing Rock Town Hall at 6:00 p.m. on November 9, 2016, after due notice by publication in the *Blowing Rocket*, on November 3, 2016; and

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- 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.

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town of Blowing Rock and of the area proposed for annexation will be best served by annexing the area described;

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous territory is hereby annexed and made part of the Town of Blowing Rock effective November 30, 2016:

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 County Registry.

Section 2. Upon and after November 30, 2016 the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Blowing Rock and shall be entitled to the same privileges and benefits as other parts of the Town of Blowing Rock. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. Town Services and Utility Agreement.

The primary purpose of the annexation petition is to request Town sewer service. The current Town policy regarding any new extension of public utilities requires that such property be located within the Town's corporate limits, contiguous or satellite. In addition, the voluntary annexation process requires that the cost of extending water and/or sewer lines be borne by the petitioner. The following terms will describe the responsibilities of both the petitioner and Town with respect to the provision of municipal services and public utilities.

The agreements, conditions and obligations of Petitioner set forth herein shall run with and be appurtenant to the title of the territory described in Exhibit A and be binding upon Petitioner's successors in title:

- A. Petitioner shall be responsible for all costs associated with extension of public water and sewer to serve the subject property. Specifically, the petitioner is responsible for all costs associated with providing a public sewer line, consistent with the Town Code, from the petitioner's property to the proposed pump station to be located on the south side of the Blowing Rock Lodge property. The petitioner is also responsible for all applicable sewer availability fees.
- B. Given that the petitioner intends to install a sufficient private well to serve the subject property, connection to public water is not required at this time. A well meter must be installed to quantify water usage for calculation of sewer usage fees. In any future event where the petitioner needs public water, all costs associated with connection to the Town public water system shall be borne by the petitioner, including availability fees.
- C. All other municipal services will be provided subject to NC General Statutes concerning satellite annexation, including but not limited to garbage and recycling collection.

Section 4. Municipal Taxes.

Consistent with NC General Statutes, the Petitioner is responsible for payment of applicable municipal taxes.

Section 5. The Mayor of the Town of Blowing Rock shall cause to be recorded in the office of the Register of Deeds of Watauga County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the County Board of Elections as required by G. S. 163-288.1.

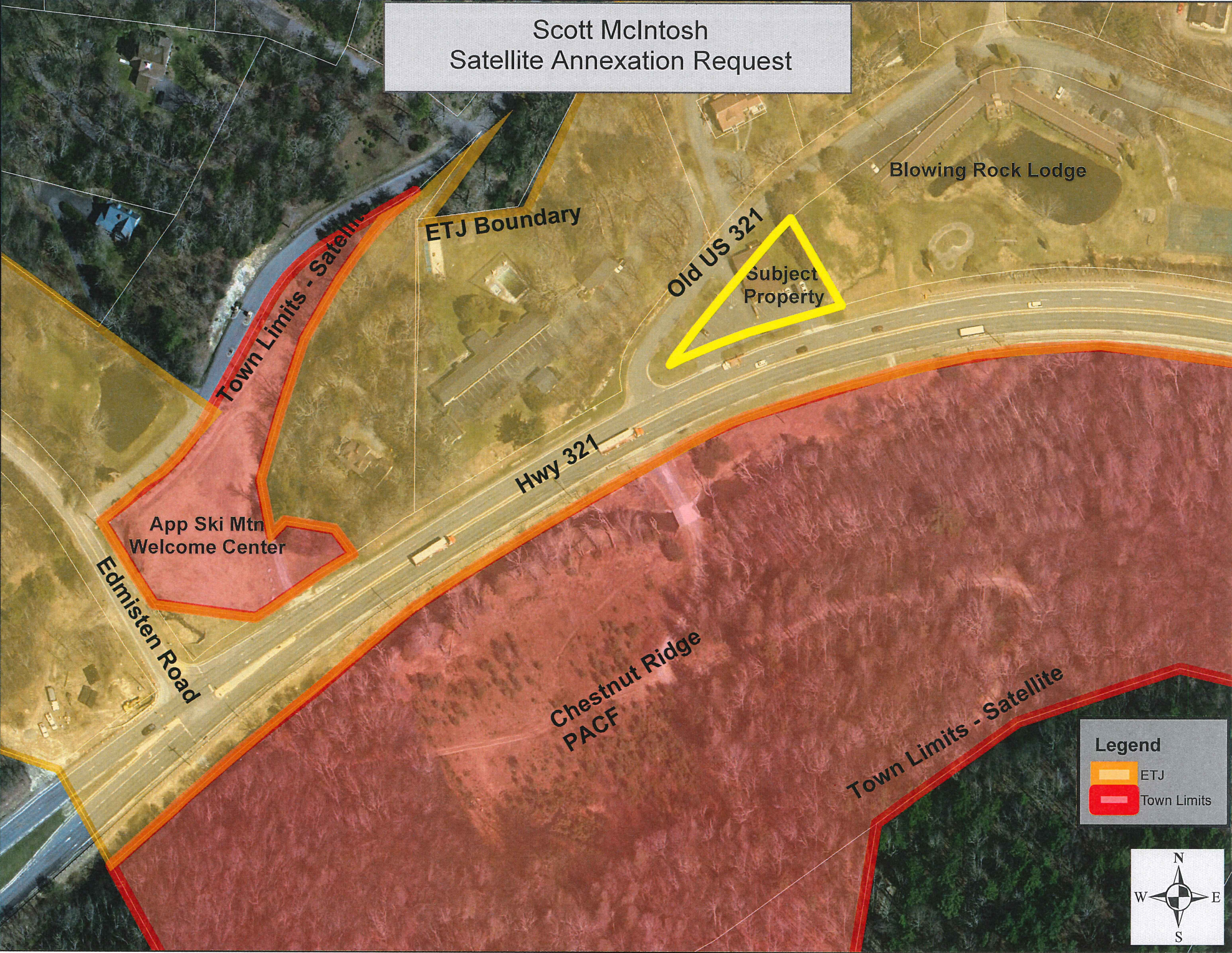
ADOPTED this the 9th day of November, 2016.

J.B. Lawrence, Mayor

ATTEST: _____

Hilari H. Hubner, Town Clerk

Scott McIntosh
Satellite Annexation Request



ETJ Boundary

Old US 321

Subject Property

Blowing Rock Lodge

Town Limits - Satellite

Hwy 321

App Ski Mtn
Welcome Center

Edmisten Road

Chestnut Ridge
PACF

Town Limits - Satellite

Legend

- ETJ
- Town Limits

