

MEMORANDUM

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

FROM: Kevin Rothrock, Planning Director

SUBJECT: App Ski Mtn Annexation

DATE: June 1, 2015

On June 1, 2015, Appalachian Ski Mountain submitted a petition of voluntary annexation for Council consideration. This petition initiates the satellite annexation process for the 1.48 acre subject property located on the corner of Hwy 321 and Edmisten Road. The property owners are requesting Town sewer service to serve the Appalachian Ski Mtn Welcome Center as the land is unsuitable for a septic system. Annexation is required since public sewer service is available to in-town properties only. Sewer will be available after the lift station and force main is installed for the ARHS Post-Acute Care facility just north of the property at the Blowing Rock Lodge site on the west side of Hwy 321.

Appalachian Ski Mtn is not requesting public water service as they will rely on a metered private well on the property.

The property is currently zoned GB, General Business and is in the Town's Extraterritorial Jurisdiction (ETJ).

Since the boundaries of the subject property are not contiguous with the Town's corporate limits, the rules for satellite annexation apply. The five basic rules for satellite annexation in North Carolina found in General Statute 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

Staff recommends that Council approve resolutions No. 2015-10 and 2015-11 which initiates the annexation process and establishes a public hearing date of July 14, 2015 for consideration of the annexation petition.

ATTACHMENTS

- Annexation Petition executed by Appalachian Ski Mtn
- Resolution 2015-10 – directing the Town Clerk to investigate the annexation petition
- Certificate of Sufficiency
- Resolution 2015-11 – setting date of public hearing
- Map of the subject property



TOWN OF BLOWING ROCK

PO Box 47

Blowing Rock NC 28605

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

www.townofblowingrock.com

PETITION OF ANNEXATION OF PROPERTY

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: Appalachian Ski Mtn. Inc. Welcome Center
Street Address: US Hwy 321 at Edmiston Rd (NCSR #1539)

Tax Map, Block and Lot Number(s)
2818-44-6195-000

Acreege of annexation site: 1.483
Linear feet of public streets within annexation boundaries: 394.65
Annexation site requesting connection to Town water: _____ Sewer:

Number of proposed dwelling units NA
Type of units: _____ Single-family, _____ Townhouse, _____ Condo, _____ Apt.

Building square footage of non-residential space: 1546.5
Specific proposed use (office, retail, warehouse, school, etc.): Welcome Center
Projected market value at build-out (land improvements): \$ 800,000

Person to contact if there are questions about the petition:
Name: J. Bradford Metz
Address: PO Box 106 Blowing Rock, NC 28607
Telephone: 828-295-7838 Fax: 828-295-3277
Cell: 828-773-3201 e-mail: bmetz@appskimtn.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. Appalachian Ski Mtn, Inc
P O. Box 106
Blowing Rock, NC 28605

J. Bradford Morete, President Date: 5/31/15
phone: 828-295-7828

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

Watauga County



I, Gay B. Murphy, a Notary Public for said County of State, do hereby certify that J. Bradford Morete personally appeared before me this day and acknowledge the due execution of the foregoing instrument. Witness my hand and official seal this the 15th day of June, 2015.

My commission expires 10-19-19. Notary Public Gay B. Murphy

RESOLUTION NO. 2015-10

**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 June 1, 2015 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 9th day of June, 2015.

J.B. Lawrence, Mayor

ATTEST: _____
Sharon H. Greene, Town Clerk

CERTIFICATE OF SUFFICIENCY

To the Board of Commissioners of the Town of Blowing Rock, North Carolina:

I, Sharon H. Greene, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Blowing Rock, this the _____ day of _____, 2015.

Sharon H. Greene, Town Clerk

CORPORATE SEAL

RESOLUTION NO. 2015-11**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 July 14th, 2015.

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

1.483 acres at intersection of U.S. 321 and NCSR No. 1539 (Edmisten Road)

A parcel of land lying on the north side of the intersection of North Carolina Secondary Road No. 1539, commonly known as Edmisten Road and U.S. Highway No. 221/321 and being bounded on the southeast by U.S. Hwy. 221/321, on the southwest by NCSR No. 1539, on the north by Timber Creek At Blowing Rock Property Owners Association, Inc. and on the east by Zerubbabel, Inc. as surveyed by Donald H. McNeil, P.L.S., L-2809, Job No. 14149, dated November 12, 2014 as BEGINNING on a 5/8 inch rebar set in the northern right of way of U.S. Hwy. No. 221/321, said rebar being a corner to the land conveyed to Zerubbabel, Inc. by deed recorded in Book of Records 376 at page 811 and is located South 54 degrees 40 minutes 50 seconds West 109.16 feet from an existing concrete right of way monument; thence with the right of way of said highway, South 54 degrees 49 minutes 25 seconds West 47.53 feet to a 5/8 inch rebar set; thence South 63 degrees 49 minutes 25 seconds West 105.00 feet to a 5/8 inch rebar set; thence continuing with the right of way line North 78 degrees 11 minutes 35 seconds West, passing a 5/8 inch rebar set on line at 94.41 feet, a total distance of 126.45 feet to a point in the center of a small branch on the east side of NCSR No. 1539; thence with the right of way of NCSR No. 1539, North 23 degrees 53 minutes 35 seconds West 11.77 feet to a point over a box culvert; thence with a curve to the right having a radius of 110.00 feet, an arc length of 4.06 feet (chord: South 74 degrees 15 minutes 25 seconds West 4.06 feet) to a point; thence South 75 degrees 18 minutes 55 seconds West 28.88 feet to a point in the center of NCSR No. 1539; thence with the center line of said highway, North 26 degrees 36 minutes 30 seconds West 82.61 feet to a point in the center line; thence North 30 degrees 47 minutes 35 seconds West 10.18 feet to a steel spike set in the center line an a corner to the lands conveyed to the Timber Creek at Blowing Rock

Property Owners Association, Inc. by deed recorded in Book of Records 1181 at page 337; thence with the line of the POA lands, North 54 degrees 52 minutes 50 seconds East 119.87 feet to a 5/8 inch rebar set on the south side of Timber Creek Drive; thence with a curve to the left having a radius of 245.00 feet, an arc length of 97.33 feet (chord: North 43 degrees 30 minutes 00 seconds East 96.69 feet) to a 5/8 inch rebar set on the southeast side of said Drive; thence North 32 degrees 07 minutes 10 seconds East 172.75 feet to a 5/8 inch rebar set on the eastern side of the Drive; thence with a curve to the right having a radius of 200.00 feet, an arc length of 106.64 feet (chord: North 47 degrees 23 minutes 40 seconds East 105.38 feet) to a 5/8 inch rebar set on the southeast side of Timber Creek Drive; thence North 62 degrees 40 minutes 15 seconds East 131.57 feet to a 5/8 inch rebar set on the southeast side of said Drive and a corner to the aforesaid lands of Zerubbabel, Inc.; thence with the western line of said lands of Zerubbabel, Inc., South 50 degrees 55 minutes 50 seconds West 12.04 feet to a 5/8 inch rebar set; thence with a curve to the left having a radius of 525.00 feet, an arc length of 174.44 feet (chord: South 41 degrees 27 minutes 00 seconds West 173.64 feet) to a 5/8 inch rebar set; thence South 31 degrees 55 minutes 55 seconds West 63.96 feet to a 5/8 inch rebar set; thence South 18 degrees 59 minutes 45 seconds West 188.62 feet to an existing 5/8 inch rebar in the center and end of a 15 foot wide road right of way; thence continuing with the line of the lands of Zerubbabel, Inc. and the center line of the 15 foot wide right of way, South 08 degrees 54 minutes 05 seconds East 71.77 feet to a 5/8 inch rebar set; thence leaving said right of way and continuing with the line of Zerubbabel, Inc., North 45 degrees 24 minutes 55 seconds East 25.40 feet to an existing 3/4 inch conduit pipe; thence South 78 degrees 35 minutes 10 seconds East 63.78 feet to an existing 1/2 inch conduit pipe; thence South 34 degrees 38 minutes 25 seconds East 22.12 feet to the BEGINNING and covering an area of 1.483 acres as calculated by the coordinate geometry method and having bearings relative to the north Carolina Geodetic Survey (NAD '83(2011XEPOCH:2010.00)) and all distances being horizontal measurements.

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 14th day of July 2015.

ATTEST: _____
Sharon H. Greene, Town Clerk

J.B. Lawrence, Mayor

Appalachian Ski Mtn
Annexation Request

**Subject
Property**

Edmisten Road

Hwy 321

Legend

-  ETJ
-  Town Limits

